

I hereby give notice that a hearing by commissioners will be held on:

**Date:** Monday 19 July, Tuesday 20 July and Wednesday 21 July 2021  
**Time:** 9.30am  
**Meeting room:** Totara Room  
**Venue:** Level 2, Manukau Civic Building  
31-33 Manukau Station Road, Auckland

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**PRIVATE PLAN MODIFICATION 45**  
**HEARING REPORT**  
**272, 274 AND 278 CLEVEDON-KAWAKAWA ROAD, CLEVEDON**  
**STRATFORD PROPERTIES LIMITED**

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**COMMISSIONERS**

<b>Chairperson</b>	<b>David Hill</b>
<b>Commissioners</b>	<b>Nigel Mark-Brown</b>
	<b>Helen Mellsop</b>

**Bevan Donovan**  
**HEARINGS ADVISOR**

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## **WHAT HAPPENS AT A HEARING**

### **Te Reo Māori and Sign Language Interpretation**

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

### **Hearing Schedule**

If you would like to appear at the hearing, please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

### **Cross Examination**

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners, and they will decide whether or not to ask them.

### **The Hearing Procedure**

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The applicant** will be called upon to present his/her case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented his/her case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
  - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
  - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- the applicant or his/her representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

### **Please note**

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.



**A NOTIFIED PLAN MODIFICATION TO THE AUCKLAND UNITARY PLAN BY STRATFORD PROPERTIES LIMITED**

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**Reporting officer, Matt Gouge, Planner**

Reporting on a proposed private plan modification to rezone approximately 9.9 hectares of land at 272, 274 & 278 Clevedon-Kawakawa Road, Clevedon from Rural Coastal to Countryside Living, and apply the Clevedon Precinct to the land. Also, to enable 11 countryside living lots & shared access & amenity lot to be established on the land.

**APPLICANT:** STRATFORD PROPERTIES LIMITED

<b>SUBMITTERS:</b>	
Page 107	Carol and Paul Gibbard
Page 108	Nicky Hunt
Page 109	Bernise & Geoffrey Milliken
Page 113	JM Mechanical Services Ltd c/- Johnathon Martin
Page 116	Heritage New Zealand Pouhere Taonga c/- Susan Andrews
Page 120	James, Margaret, Robert, and Kim Power
Page 121	Bernise Emily Milliken
Page 127	Ross Johnson
Page 129	Netherlea Holdings c/- Peter Mandeno
Page 130	Bruce Frizzell
Page 133	Trevor Giles & Dianne Giles
Page 154	Brendan Kingsley Vallings
Page 158	Clevedon Community and Business Association
Page 160	Clevedon Cares Incorporated c/- Mary Whitehouse
Page 165	Helen Gray
Page 167	Caroline Greig
Page 171	Mary Whitehouse
Page 175	Josephine Elworthy
Page 177	Christine Mayo
Page 179	Lindsey Britton

<b>FURTHER SUBMITTERS:</b>	
Page 183	Trevor and Dianne Giles
Page 216	Roscommon Properties
Page 218	Trent Archer
Page 220	Johnathon Allen Martin
Page 225	Stephan Craig Wuffli
Page 230	Trevor, Dianne & Anthony Giles

## Hearing Report for Proposed Plan Change 45 (Private) 272, 274 and 278 Clevedon-Kawakawa Road to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

<b>Report to:</b>	Hearing Commissioners
<b>Hearing Dates:</b>	19 <sup>th</sup> and 20 <sup>th</sup> July 2021
<b>File No:</b>	Hearing Report – Plan Change 45
<b>File Reference</b>	U:\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC045 - 272, 274 and 278 Clevedon-Kawakawa Road
<b>Report Author</b>	Matthew Gouge, Senior Policy Planner, Central and South Planning, Plans and Places
<b>Report Approvers</b>	Craig Cairncross, Team Leader Central and South Planning, Plans and Places
<b>Report produced</b>	18 <sup>th</sup> June 2021

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**Summary of Proposed Plan Change 45 (Private) 272, 274 and 278 Clevedon-Kawakawa Road:** Rezone 9.88 ha of land at 272, 274 and 278 Clevedon-Kawakawa Road from Rural – Rural Coastal to Rural – Countryside Living Zone and apply the operative Clevedon Precinct (Sub-precinct C) to the land with modifications.

<b>Plan subject to change</b>	Auckland Unitary Plan (Operative in part), 2016
<b>Number and name of change</b>	Proposed Plan Change 45 (Private) – 272, 274 and 278 Clevedon-Kawakawa Road to the Auckland Unitary Plan (Operative in Part)
<b>Status of Plan</b>	Operative in part
<b>Type of change</b>	Private (requested) plan change

<b>Date of approval (or adoption) for notification</b>	Pursuant to clause 25(2)(b) of part 2 of Schedule 1 of the Resource Management Act 1991, Proposed Plan Change 45 was accepted under delegation by the Manager Central South on 6 July 2020.
<b>Parts of the Auckland Unitary Plan affected by the proposed plan change</b>	<p>AUP Maps</p> <ul style="list-style-type: none"> <li>Rezone approximately 9.88 hectares of land from Rural – Rural Coastal Zone to Rural – Countryside Living Zone over the properties at 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon.</li> </ul> <p>I408 Clevedon Precinct</p> <ul style="list-style-type: none"> <li>Amend I408.6.4(2)(d) Subdivision to exempt Lot 1 DP 146882 (number 278) from average lot size condition.</li> <li>Amend Minimum site size Table I408.6.5.1 to set a maximum number of dwellings on Lot 1 DP 146882 to 12 dwellings.</li> </ul>
<b>Date draft proposed plan change was sent to iwi for feedback</b>	The applicant met with Ngāi Tai Ki Tāmaki on 21 May 2019 on the property at 278 Clevedon-Kawakawa Road. Written approval from Ngāi Tai for the subdivision and proposed development is included in Appendix 14.2 of the application.
<b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified</b>	<p>Limited Notification</p> <p>30 July 2020</p> <p>Renotification (Full Public Notification)</p> <p>19 November 2020</p>
<b>Plan development process used – collaborative, streamlined or normal</b>	Normal
<b>Submissions received (excluding withdrawals)</b>	20
<b>Date summary of submissions notified</b>	28 January 2021
<b>Number of further submissions received</b>	6
<b>Legal Effect at Notification</b>	N/A

<b>Date of site visit</b>	12 May 2021
<b>Main issues or topics emerging from all submissions</b>	<p>Effects on the rural character, landscape, views, and amenity values of the area.</p> <p>Loss of productive rural land resource.</p> <p>Flooding, as a large proportion of the site is within a floodplain.</p> <p>Stormwater discharge from impervious surfaces.</p> <p>Downstream (flooding) effects on neighbours.</p> <p>Traffic generation and volume of traffic movements.</p> <p>Ecological impact on the Wairoa River.</p> <p>Precedent for other landowners, resulting in more requests for rural land to be used for housing.</p> <p>Request for lower density development on the site.</p> <p>Request for an archaeological field survey/assessment along with wider iwi consultation.</p> <p>Seeking more opportunities for countryside living developments in the Clevedon area.</p>

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## Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
'PC45' or 'the plan change'	Proposed Plan Change 45
RMA	Resource Management Act 1991
AUP(OP), 'Unitary Plan' or 'Auckland Unitary Plan'	Auckland Unitary Plan (Operative in Part) September 2016
PAUP	Proposed Auckland Unitary Plan (September 2013)
IHP or 'the Panel'	Independent Hearings Panel which made recommendations on the PAUP
RCZ	Rural – Rural Coastal Zone
RCLZ	Rural – Countryside Living Zone
'The site', 'the subject site', 'PC45 land'	The land subject to Proposed Plan Change 45
Balance Lot	The land to remain as RCZ

Plan Change Request or 'Statutory Report'	<i>Request for Private Plan Change</i> , prepared by Lands & Survey on behalf of Stratford Properties Limited and dated 04 November 2019
Sub precinct C	Sub precinct C of the Cleveland Precinct
The Applicant	Stratford Properties Limited
The Council	Auckland Council
RPS	Auckland Unitary Plan - Regional Policy Statement
Countryside living	A general term for activities anticipated on Rural-Countryside Living Zoned land

<b>Attachments</b>	
<b>Appendix 1</b>	<b>Proposed Plan Change 45 (Private) 272, 274 and 278 Clevedon-Kawakawa Road, As Notified</b>
<b>Appendix 2</b>	<b>Submissions and Further Submissions</b>
<b>Appendix 3</b>	<b>Local Board Views</b>
<b>Appendix 4</b>	<b>Clause 23 (Further Information) Request and Response Table</b>
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<b>Appendix 6</b>	<b>Council Decision to accept PC45 under Clause 25 to First Schedule RMA</b>
<b>Appendix 7</b>	<b>Site visit photos</b>
<b>Appendix 8</b>	<b>Environment Court decision on Rural Subdivision Appeals</b>
<b>Appendix 9</b>	<b>Expert qualifications and experience</b>
<b>Appendix 10</b>	<b>PC45 Flooding and Coastal Inundation Map</b>
<b>Appendix 11</b>	<b>Proposed Subdivision Scheme Plan</b>

## 1. EXECUTIVE SUMMARY

1. Proposed Plan Change 45 (Private) 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon (PC45) to the Auckland Unitary Plan (Operative in Part) seeks to rezone 9.88ha of land at 272 Clevedon-Kawakawa Road, 274 Clevedon-Kawakawa Road and 278 Clevedon-Kawakawa Road from Rural – Rural Coastal Zone, Tamaki-Firth coastal area to Rural – Rural Countryside Living Zone. It seeks to apply the operative Clevedon Precinct (Sub-precinct C) to the land, with amendments. A copy of the notified plan change is included as **Appendix 1**.
2. The purpose of PC45 as stated by the requestor is to *‘enable the subdivision and development of the property at 278 Clevedon-Kawakawa Road for countryside living purposes’*.
3. The properties at 272 and 278 Clevedon-Kawakawa Road are utilised as a single farming operation and are predominantly in pasture. The properties are currently used for the grazing of relatively light animals and the production of supplements (such as hay or silage).
4. The private plan change request was made under Clause 21 of Schedule 1 to the Resource Management Act 1991 (**‘RMA’**) and was accepted by Auckland Council (**‘Council’**), under clause 25(2)(b) of Schedule 1 to the RMA on 6 July 2020.
5. Further information was sought from the applicant by the Council in accordance with Clause 23 of Schedule 1 to the RMA on 20 January 2020. The applicant provided further information in response to the Clause 23 request related to planning and statutory matters, traffic matters, land use capability, stormwater and flooding matters, contaminated land and geotechnical matters.
6. PC45 was limited notified by the Council on 30 July 2020 and the closing date for submissions was 27 August 2020. PC45 was re-notified publicly on 19 November 2020 and the closing date for submissions was 17 December 2020. The Council received 20 submissions on PC45, excluding withdrawals.
7. The submissions relate primarily to traffic generation and volume of traffic movements, effects on the rural character, landscape, views, and amenity values of the area, ecological impact on the Wairoa River, flooding effects, as well as a precedent resulting in more requests for rural land to be used for housing. The Council’s Summary of Decisions Requested was publicly notified on 28 January 2021 with the period for making further submissions closing on 12 February 2021. Six further submissions were received.
8. In preparing for hearings on PC45, this hearing report has been prepared in accordance with section 42A of the RMA. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
9. To provide context, this report investigates the background of the zoning and precinct adjacent to the plan change site to better understand the current provisions in the Auckland Unitary Plan.
10. The proposed plan change is assessed against the policy direction of the relevant planning documents which include the New Zealand Coastal Policy Statement, National Policy Statement on Freshwater Management, Auckland Unitary Plan and the Auckland Plan, where PC45 has been found to be consistent with, or give effect to these.
11. An assessment of environmental effects likely from subsequent development of the subject site has been assessed by independent Council-appointed experts. This has been assisted by a concept proposal which has been provided within the statutory report.



12. Submissions and further submissions have been assessed in light of the planning policy framework and the environmental effects findings, and recommendations have been made as to whether they should be accepted or rejected. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, and those persons or organisations that lodged submissions on PC45.
13. This report forms part of Council's ongoing obligations under section 32 of the RMA, to consider the appropriateness of the proposed objectives and provisions in PC45, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised in submissions on PC45.
14. A report in accordance with section 32 of the RMA was prepared by the applicant as part of the plan change request as required by clause 22(1) of Schedule 1 of the RMA This 'Section 32 report' and associated documentation related to PC45, on the Council's website should be considered in making decisions on PC45.
15. Fundamental matters including the purpose of the respective zones and Clevedon Precinct have been considered where it is concluded that PC45 is consistent with and gives effect to these. The utility and potential fragmentation of the productive rural land resource has been investigated, whereby it is considered this proposal represents a less than minor reduction in this resource. Another key matter considered has been the concern of submitters and the Franklin Local Board that PC45 could set a precedent for the uncontrolled expansion of the Rural – Countryside Living Zone and Clevedon Precinct.
16. A matter that has been raised repeatedly during submissions is the extent to which the rural character and visual amenity of the area may change because of development enabled by PC45. Independent landscape expert analysis has confirmed that subject to design and planting mitigation proposed, the adverse effects on the existing environment will be no more than minor. Effects on the safety and efficiency of the traffic network along Clevedon-Kawakawa Road resulting from the proposal are also found to be no more than minor.
17. I consider that the natural hazard constraints of the 1%AEP floodplain and 1%AEP coastal inundation +1m sea level rise on and around this land will serve as an effective defensible boundary to prevent the further expansion of both the Clevedon Precinct and Rural-Countryside Living Zone to the east on the northern side of Clevedon-Kawakawa Road.
18. Such hazards are incompatible with any further extension of the zone or the precinct. The PC45 site represents the last vestige of contiguous non-highly productive land suitable for such an extension on the northern side of Clevedon-Kawakawa Road.
19. The Auckland Unitary Plan policy direction on natural hazards is relevant to this site. While it has been found that development resulting from PC45 may increase the risk of flooding hazards to people and property, this is to an extent anticipated by, and provided for in the AUP(OP) within the bounds of known modelling available for such events. The relevant policies are in Chapter E36 Natural hazards and flooding.
20. This analysis has undertaken an assessment of the likely environmental effects of PC45 to a level of detail necessary to understand the 'envelope' of effects. Positive effects have also been considered. The approval of PC45 would set up the planning framework for more detailed consideration of these matters at resource consent stage.
21. It is recommended that PC45 be approved as it is currently proposed.

## 2. BACKGROUND

### 2.1 Request

22. PC45 is a private plan change request from Stratford Properties Limited (the ‘**applicant**’).
23. The plan change request seeks a plan change to enable a subsequent 11 lot countryside living development on Lot 1 DP 146882.
24. The applicant seeks to rezone 9.88ha of land at 272, 274 and 278 Clevedon-Kawakawa Road from RCZ to RCLZ and apply Sub precinct C of the operative Clevedon Precinct to the RCLZ.
25. The applicant also seeks to make two amendments to the rules of Sub-precinct C.
26. The first is to exempt Lot 1 DP 146882 from the subdivision ‘parent allotment’ density provisions of I408.6.4(2)(d). This is to allow the whole area of the lot (52ha) to be used in the average lot calculation as opposed to only the area sought to be rezoned and covered by the precinct (9.88ha).
27. The second proposed amendment is to add additional wording to the minimum site size Table I408.6.5.1 to set a maximum of 12 dwellings on Lot 1 DP 146882.
28. The private plan change request was lodged with the Council by Stratford Properties Limited on 11 November 2019. The purpose of the plan change, as stated by the requestor, is:

*“to extend the existing Rural – Countryside Living Zone and the existing Clevedon sub precinct C over part of the land at 272 and 278 Clevedon-Kawakawa Road and over the land at 274 Clevedon-Kawakawa Road (with minor consequential amendments to the rules of Clevedon sub precinct C) to provide for the subdivision and development of eleven countryside living lots on the property at 278 Clevedon-Kawakawa Road.”<sup>1</sup>*

### 2.2 The Clevedon Precinct and the IHP Process

29. The Clevedon Precinct and associated zoning was introduced in the Proposed Auckland Unitary Plan 2013 (**PAUP**) to give effect to *Plan Change 32 Clevedon Village* to the Auckland Council District Plan – Manukau Section.
30. Plan Change 32 was notified in October 2010 and Council's decisions were released in October 2012. This decision was subsequently appealed to the Environment Court and settled by consent order in September 2014. The plan change was made operative on 13 April 2015 and the Independent Hearings Panel (**IHP**) were holding hearings on the PAUP.
31. Plan Change 32, and the subsequent provisions introduced into the PAUP, provided for the managed expansion of the Clevedon settlement onto the rural land outside the village core between the Wairoa River and Taitaia Stream.

<sup>1</sup> p.10, Planning and Section 32 Report

32. Plan Change 32 was developed from the *Clevedon Village Sustainable Development Plan*, a study completed in 2010 involving several technical investigations and extensive community consultation<sup>2</sup>.
33. Through this 2010 investigation, a structure plan was developed for the Clevedon Village which encompassed an area comprising approximately 558.1 hectares of land bounded by the Wairoa River to the east, the Taitaia Stream to the west and Tourist Road to the south as illustrated in Figure 1. Submitters to Plan Change 45 have referenced this process in their submissions<sup>3</sup>.

<sup>2</sup> Refer to p.1 of the Proposed Plan Change No 32 Clevedon Village Statutory Assessment Report.

<sup>3</sup> Refer Primary submission 16\_T and D Giles para 9 and Primary Submission 19\_Clevedon Cares para 1.

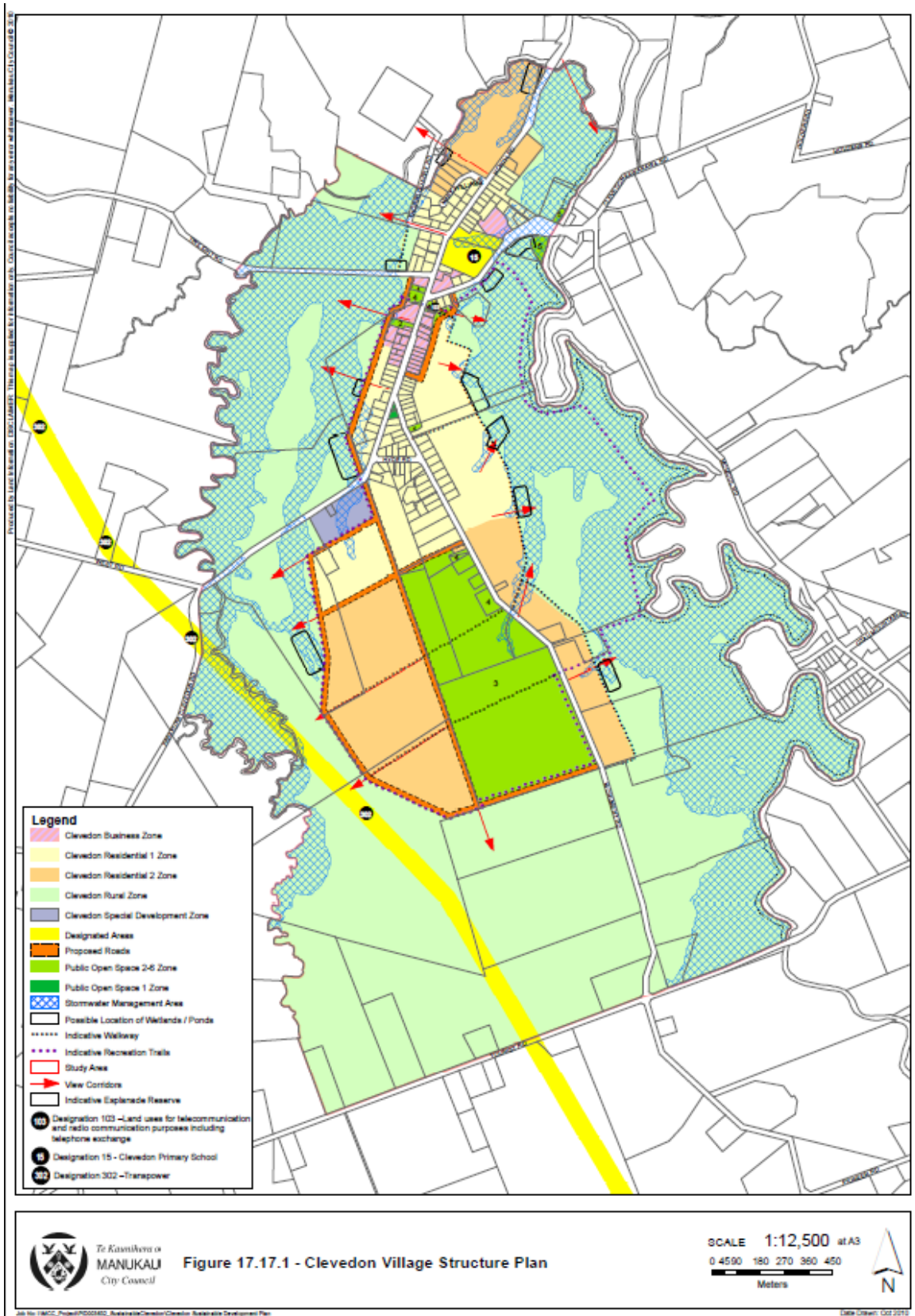


Figure 1: Figure 17.17.1 - Clevedon Village Structure Plan (Auckland Council District Plan – Manukau Section)



**Figure 2: Spatial Transect - Clevedon Village Appendix 2 Design Guidelines**

34. The structure plan was based on the concept of a 'spatial transect', an urban design concept that encourages a higher density form in the Residential 1 Zone (1 per 500m<sup>2</sup>), which traverses through the Residential 2 Zone (1 per 800m<sup>2</sup> to 1 per 2000m<sup>2</sup>) and on to small farms (1 per 2ha or 1 per 4ha). Beyond that is the rural area. This concept is illustrated in Figure 2. Design guidelines for Clevedon Village and the surrounding area were included in Appendix 2 of the Manukau District Plan 2002 serving as a guide 'encourage the adoption of additional urban design principles and approaches which will further enhance the amenity and character of Clevedon Village'<sup>4</sup>. The Clevedon Village Design Guide was notified in the PAUP at Part 6, Attachment 2.1 (non-statutory documents).
35. During the IHP hearings, a total of 68 submissions were received requesting relief in relation to the precinct. Of particular relevance to this proposal, and as referenced on pages 8 and 9 of the statutory report for PC45, submitters sought to rezone and include within the precinct sites to the north and east of the original precinct study area. This was up to and including 272 and 278 Clevedon-Kawakawa Road, the subject sites for this PC45.
36. These matters were debated through the IHP hearings process with opposing positions being taken by Council's planning and landscape design witnesses to those of the submitters seeking extension.
37. The IHP considered that landscape effects were the key determinant of the appropriateness of the extensions sought, in the context of that plan change process<sup>5</sup>. In

<sup>4</sup> Appendix 2 – Clevedon Village Design Guide. Introduction and purpose. p. 5.  
<http://aucklandcity.govt.nz/council/documents/districtplanmanukau/text/designguide.pdf>

<sup>5</sup> IHP Report to Auckland Council – Hearing Topics 016,017,080,081. p.16

their view, another consideration was the productive capacity of the land and the extent to which the land satisfied the description of the RCLZ.

38. Ultimately, the Panel preferred the evidence of the submitters over that of the Council experts, concluding that countryside living was well established in and around Clevedon Village. In the Panel's view, land to the north of the village also generally satisfied the description of the RCLZ<sup>6</sup>. The precinct was extended to include the properties at 252 and 262 Clevedon-Kawakawa Road and they were rezoned from Rural – Rural Production Zone to RCLZ in the process. The Panel also rezoned and extended the precinct over properties at 84, 86, 86A, 102, 202, 216 and 218 Clevedon-Kawakawa Road making the precinct and zoning contiguous from Clevedon Village along the northern side of the road.
39. The zoning of RCZ which applied to 272 Clevedon-Kawakawa Road and to sites eastward was retained due to it being part of the coastal environment and therefore giving effect to the strategic approach adopted elsewhere by the Panel<sup>7</sup>. The IHP also amended the maximum building coverage within Sub-precinct C for clustered lots to 20 per cent of the net site area (from 10 per cent) following an agreed position being reached by submitters. These recommendations were accepted by Council and became the operative provisions being considered for PC45.
40. With respect to the design guidelines, the IHP observed the following principles in its recommendations:

*Good design is based on principles rather than rules. Mere reference to good design or the listing of preferred design principles is ill-suited to a regulatory framework which imposes binary 'grant/decline' outcomes. Discretionary decision-making must be exercised on the basis of relevant and clear objectives, policies and assessment criteria rather than on subjective preferences.*<sup>8</sup>

The Clevedon Village Design Guide was not included in the IHP recommendations version of the plan, with all non-statutory information being removed<sup>9</sup>. An approach of relying on the standards requirements for assessment of effects on the environment was preferred<sup>10</sup>.

41. The precinct provisions as they currently appear in the AUP(OP) are therefore largely derived and based on the original study area identified in the 2010 study and illustrated in Figure 1. This has in turn resulted in some inconsistencies in the precinct maps I408.10.2 and I408.10.3. This inconsistency has been raised as a point in one submission on this plan change<sup>11</sup>.

<sup>6</sup> Ibid. p. 17

<sup>7</sup> Ibid. p. 18.

<sup>8</sup> Report to Auckland Council, Overview of recommendations on the proposed Auckland Unitary Plan 22 July 2016. p. 37.

<sup>9</sup> Ibid. section 8.1.

<sup>10</sup> Ibid. p.8. Headline number 27.

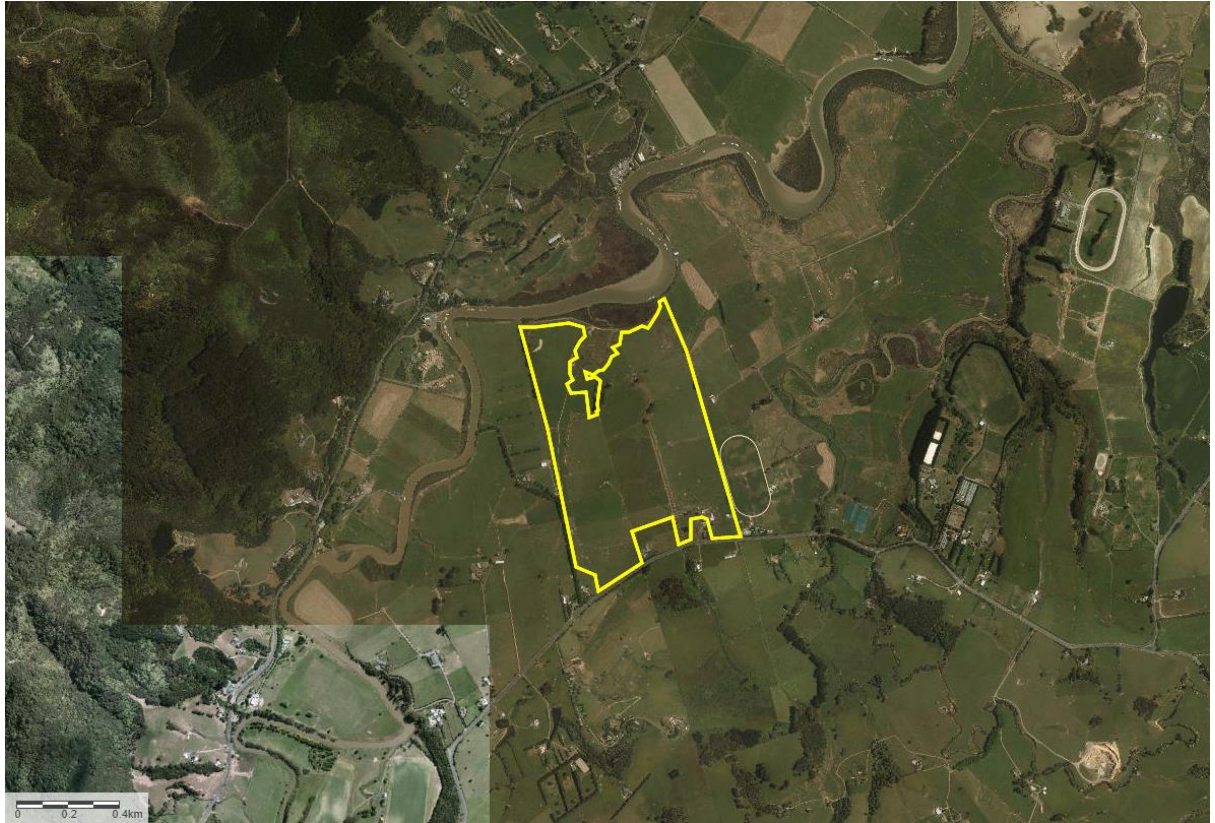
<sup>11</sup> Primary Submission 16\_T and D Giles. Para 10.



## 2.3 Context

### Existing environment

42. The applicant has provided a description of the plan change site and surrounds from page 12 of their statutory report. The main property, Lot 1 DP 146882 is depicted in Figure 3 below. Having visited the site on 12 May 2021, I concur with the applicant's assessment of the site and wider environment. Site visit photos are appended at **Appendix 7** of this report.



43. **Figure 3: PC45 subject site and surrounds**

44. The land to be rezoned RCLZ is 9.88ha and is comprised of three separate lots, being<sup>12</sup>:
- 272 Clevedon-Kawakawa Road – Lot 1 DP 33480 and Lot 1 DP 118606 (0.73ha)
  - 274 Clevedon-Kawakawa Road – Lot 3 DP 146882 (0.7ha) and
  - 278 Clevedon-Kawakawa Road – Lot 1 DP 146882 (8.45ha)
45. The balance of the land which is to be retained as RCZ is 58.14ha spread across two lots (Lot 1 DP 33480 and Lot 1 DP 146882). These lots are currently utilised together. The applicant has provided an indicative scheme plan illustrating the future development of the plan change site. This is included as **Appendix 11** to this report.

<sup>12</sup> Refer to page 11, Table 1 of applicant's statutory report.

46. Clevedon-Kawakawa Road is classified as an arterial road in the Auckland Unitary Plan, as it carries more than 3,000 vehicles per day, and provides the only access to Kawakawa Bay and other areas apart from the coastal road through Miranda.
47. The PC45 land is located on the northern side of Clevedon-Kawakawa Road, approximately a 2.5km drive east of the Clevedon Village. The site adjoins the Wairoa River to the north and is located approximately 5km upstream of Pouto Point where the river meets the Hauraki Gulf.

## **2.4 Lodged documents**

48. The applicant provided the following reports and documents to support PC45<sup>13</sup>:
  - Private Plan Change Request, titled *Private Plan Change Request, Statutory Assessment Report, 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon*, prepared by Lands and Survey, dated 4 November 2020;
  - Appendix 1: Certificates of Title;
  - Appendix 2: Requested Plan Change Map, prepared by Lands and Survey, dated 2 October 2019 Version B;
  - Appendix 3: Landscape Planting Plan, prepared by Greenwood Associates, dated 5 September 2019 and Subdivision Scheme Plan, prepared by Lands and Survey, dated 13 November 2019 (Reference 117536-150 Rev E);
  - Appendix 4: Geotechnical Investigation Report, prepared by KGA Geotechnical Group Limited, dated 7 October 2019;
  - Appendix 5: Engineering and Infrastructure Assessment Report, prepared by Lands & Survey, dated 25 October 2019;
  - Appendix 6: On-site wastewater treatment and disposal report, prepared by KGA Geotechnical Group Limited, dated 7 October 2019;
  - Appendix 7: Transport Assessment, prepared by Traffic Planning Consultants Limited, dated 7 October 2019;
  - Appendix 8: Economic Cost Benefit Assessment report; prepared by ME Consulting, dated 8 November 2019
  - Appendix 9: Soil Assessment Report, prepared by Dr. Douglas L. Hicks, dated 7 October 2019;
  - Appendix 10: Preliminary Site Investigation, prepared by 4Sight Consulting, updated April 2020 (version 5);
  - Appendix 11: Land Use Capability Report, prepared by The AgriBusiness Group, dated October 2019;
  - Appendix 12: Ecological Report, prepared by 4Sight Consulting, dated 7 October 2019 (Version 2);

<sup>13</sup> Note that this includes documents that have been revised by the applicant in response to further information requests. Refer to Appendix 4 of this report for the further information responses.



- Appendix 13: Landscape Visual Assessment, prepared by Greenwood Associates Ltd, dated 7 November 2019 (Version 3);
- Appendix 14: Consultation documentation.

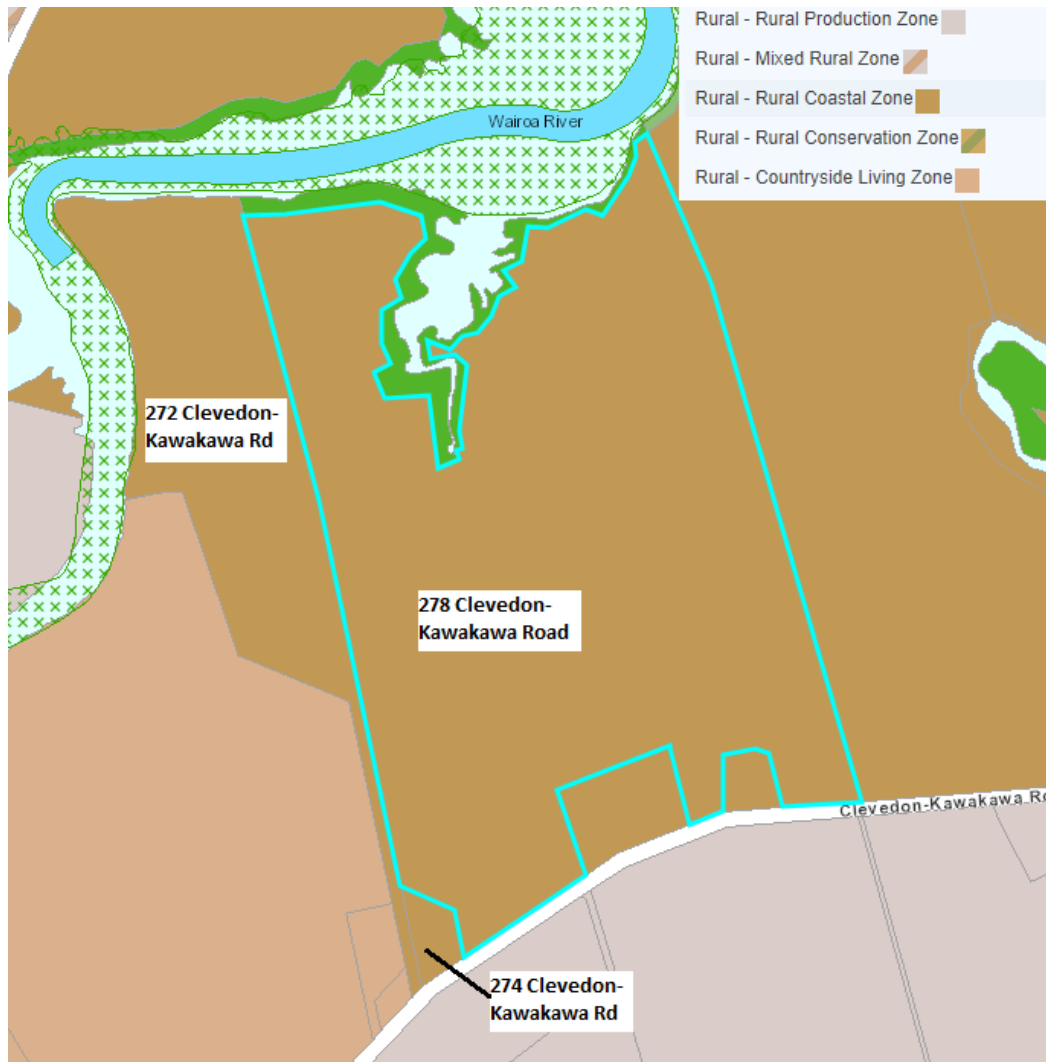
## **2.5 Clause 23 Requests for Further information, Clause 24 Modifications, and acceptance under Clause 25**

49. On 20 January 2020, prior to accepting PC45, the Council requested that the applicant provide further information in accordance with Clause 23 of Schedule 1 to the RMA. This request is attached as **Appendix 4** to this report. The purpose of the further information request was to enable the Council to better understand the effects of PC45 on the environment and the ways in which adverse effects may be avoided, remedied or mitigated.
50. Stratford Properties Limited responded to the Clause 23 request in full on 24 April 2020. This response is also contained within **Appendix 4** and was notified as part of PC45.
51. PC45 was accepted for limited notification under Clause 25 to Schedule 1 RMA on 6 July 2020. Twelve persons considered directly affected alongside statutory bodies and mana whenua groups were notified on 30 July 2020.
52. Upon review, further information came to light about the potential adverse effects associated with the plan change. This was in relation to potential landscape and visual effects, transport effects and stormwater/wastewater effects on the Wairoa River. This resulted in Council reaching the determination that not all of the persons potentially directly affected by PC45 could be identified. PC45 was re-notified publicly on 19 November 2020 and 36 property owners and occupiers were directly served notice.

## **3. EXISTING PLAN PROVISIONS**

53. The PC45 land is subject to the RCZ and is located within the Tamaki-Firth coastal area.
54. The purpose of the RCZ is to retain and enhance the rural character and amenity values, local coastal character and biodiversity values of rural areas along Auckland's harbours, estuaries and coastline. It is also to enable rural production activities, local non-residential activities, maintain recreational opportunities and manage the effects of existing scattered rural lifestyle development<sup>14</sup>.
55. The current zoning of the site and surrounds is depicted in Figure 4. The image includes an area of significant terrestrial ecology (SEA\_T\_5361) within the Wairoa River in green hatching. Also illustrated is the Clevedon-Kawakawa Road Esplanade Reserve, a council owned reserve at the water boundary of the property.

<sup>14</sup> Chapter H19.5.1 – Rural Coastal Zone – Zone Description.



**Figure 4: Existing AUP(OP) zoning of PC45 land and surrounds with SEA (SEA\_T\_5361) indicated (green hatching)**

56. The PC45 site is subject to two controls within the AUP(OP):
- a) Controls: Macroinvertebrate Community Index – Rural
  - b) Controls: Coastal Inundation 1 per cent AEP Plus 1m Control – 1m sea level rise

The Macroinvertebrate Community Index is a guideline for freshwater ecosystem health, derived from the different land uses within a given catchment<sup>15</sup>. It covers the whole area with the exception of the waterbodies.

The Coastal Inundation 1 per cent AEP Plus 1m Control is addressed in *Chapter E36 Natural Hazards and Flooding* of the AUP(OP) and triggers, among other things, consideration of the location of development and finished floor levels for future habitable

<sup>15</sup> Refer to Chapter E1. Water quality and integrated management.

buildings. This control predicts coastal inundation levels for 1-in-100 year storms over the next 100 years.

57. Clevedon-Kawakawa Road is identified as an Arterial Road within the AUP(OP). *Chapter E27 Transport* of the AUP seeks to restrict vehicle access to and from Arterial Roads to maintain the effective and safe operation of arterial roads and ensure safe and functional access to sites.
58. The plan change site is subject to identified overland flow paths and much of it is identified as a flood plain. Flood plains are a matter also addressed through Chapter E36 and in related chapters such as *Chapter E39 Subdivision Rural*. Figure 5 and **Appendix 10** illustrate the mapped extents of these constraints with respect to the plan change area.



**Figure 5: Coastal Inundation and Hydrology Map**

59. Sites to the east of the plan change area are RCZ and also within the Tamaki-Firth coastal area. Sites to the south of Clevedon-Kawakawa Road are zoned Rural – Rural Production.
60. The properties to the west of the subject site are zoned as RCLZ. They are also contained with sub-precinct C of the Clevedon Precinct as illustrated in Figure 6.
61. As discussed in section 2.2 of this report, the purpose of the Clevedon Precinct is to incorporate outcomes of the Clevedon Village Sustainable Development Plan into the AUP(OP).

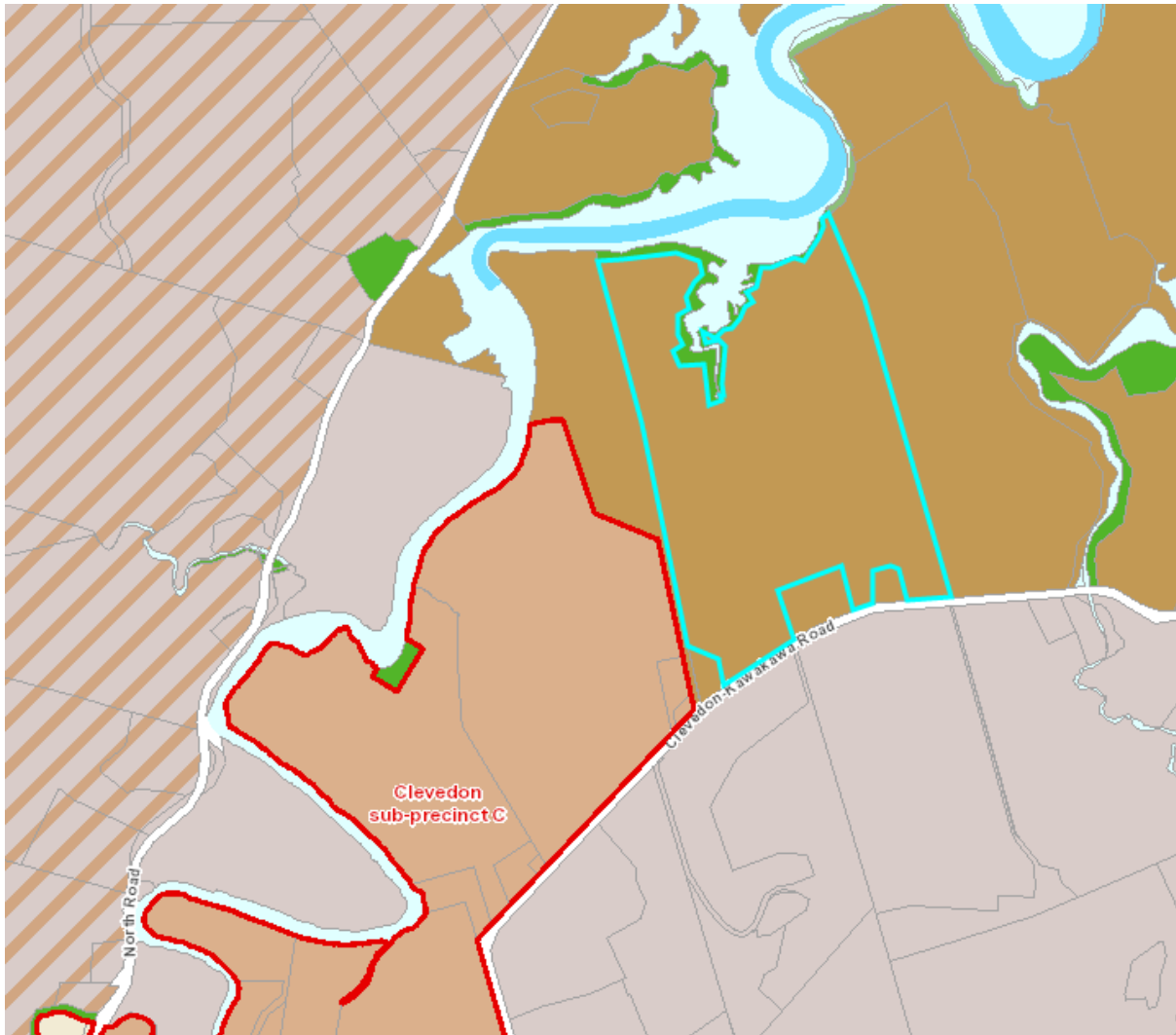


Figure 6: Plan Change Subject Site with respect to the Clevedon Precinct

#### 4. PROPOSED PLAN PROVISIONS

62. PC45 seeks to rezone approximately 9.88 ha of land at 272, 274 and 278 Clevedon-Kawakawa Road from RCZ to RCLZ. The balance of the land (58.14 ha) is proposed to be retained in its current zoning of RCZ.
63. PC45 also seeks to extend the Clevedon sub-precinct C over the portion of the site to be rezoned. It seeks to make the following consequential changes to the wording of the Clevedon Precinct:

1408.6.4

*(2) The following standards apply in respect of subdivision in sub-precinct C: ...*

*(d) Where an application for subdivision consent is for an existing lot that contains land both inside and outside of the Clevedon Precinct, the area of land contained within the Clevedon precinct will be considered the “existing lot” or “parent allotment”. The land outside of the Clevedon precinct must not be used in the calculation of the average lot size for subdivision, except where that land is contained within Lot 1 DP 146882.*

I408.6.5 Minimum Site Size

(1) The minimum net site area in Table H1.6.5.1 must be met.

Table I408.6.5.1 Minimum site size

Sub-precinct C	<ul style="list-style-type: none"><li>• not exceeding 1 dwelling per 4ha; or</li><li>• not exceeding 1 dwelling per 2 ha on land identified as areas of increased subdivision opportunity on I408.10.2 Clevedon Precinct plan 2: Development restriction area and road network,</li><li>• not exceeding 1 dwelling per 3.5ha on Lot 100 DP509670 (NA778231), or</li><li>• not exceeding 1 dwelling per 10ha on Part Allot 2 and Part Allot 21 Parish of Wairoa (NA48C/657) for part of the landholding subject to a development restriction area as identified on I408.10.2 Clevedon Precinct plan 2: Development restriction area and road network, <b>or</b></li></ul> <p style="text-align: center;"><u>• not exceeding 12 dwellings on Lot 1 DP 146882.</u></p>
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64. The objective of the proposal, as stated by the applicant, is to:

*Enable the subdivision and development of the property at 278 Clevedon-Kawakawa Road for countryside living purposes<sup>16</sup>.*

A copy of a proposed subdivision scheme plan is included as **Appendix 11** of this report.

65. A copy of the proposed zoning with Clevedon Sub-precinct C overlay is illustrated in Figure 7.

<sup>16</sup> Statutory Assessment Report. Para 55.



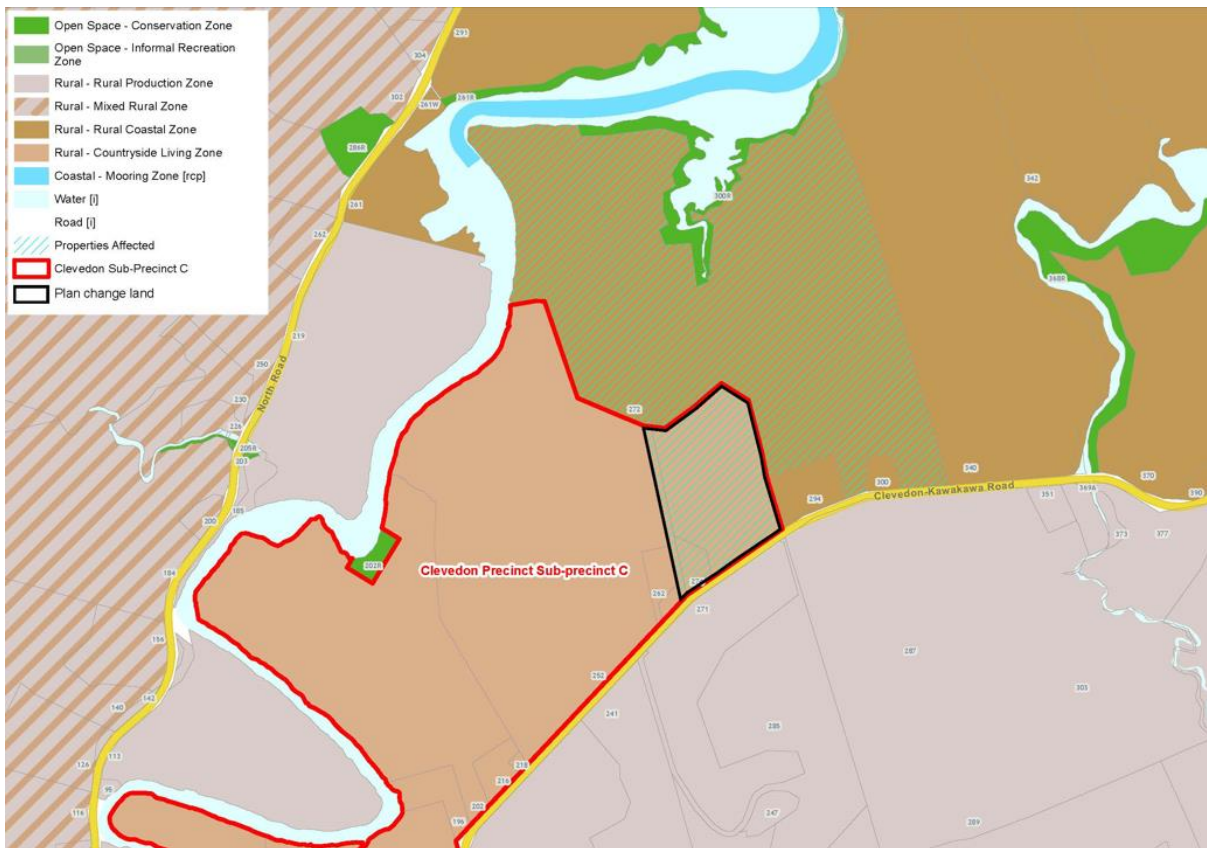


Figure 7: Proposed AUP(OP) zoning and Clevedon Precinct extension

## 5. HEARINGS AND DECISION-MAKING CONSIDERATIONS

66. Clause 8B (read together with Clause 29) of Schedule 1 of RMA requires that a local authority shall hold a hearing into submissions on a proposed private plan change.
67. The Regulatory Committee have delegated to the Hearings Commissioners authority to determine the Council's decisions on submissions on PC45, under section 34 of the RMA. Hearing Commissioners will not be recommending a decision to the Council but will be issuing the decision directly on PC45.
68. This report summarises and discusses submissions received on PC45. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also recommends what amendments can be made to address matters raised in submissions if considered appropriate. Any conclusions or recommendations in this report are not binding to the hearing commissioners.
69. This report also contains the view of the Franklin Local Board on the content of PC45.
70. The Hearing Commissioners will consider all the information in submissions together with evidence presented at the hearing.
71. This report draws on the reviews and advice of the Council appointed experts listed in Table 1. These assessments are attached in **Appendix 5** to this report.

**Table 1: Council appointed experts**

<b>Matter</b>	<b>Reviewing specialist</b>
Landscape and visual effects	Rob Pryor, LA4 Landscape Architects Ltd
Land use capability	Dr Reece Hill, Landsystems Ltd
Traffic	Wes Edwards, Arrive Ltd
Stormwater and Flooding	Iresh Jayawardena, Senior Healthy Waters Specialist, Healthy Waters Department, Auckland Council Zheng Qian, Catchment Planner, Healthy Waters
Ecology	Carl Tutt, Ecologist, Environmental Services, Auckland Council
Geotechnical matters	James Beaumont, Riley Consultant Limited
Contaminated land	Rob Burden, Riley Consultants Limited
Water supply and wastewater	John Newsome, Regulatory Engineering South, Auckland Council
Coastal Hazards	Natasha Carpenter, Coastal Management Practice Lead, Engineering Technical Services

## **6. STATUTORY AND POLICY ASSESSMENT**

### **6.1 Resource Management Act 1991**

72. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.
73. PC45 is a proposal to change the rural zoning over part of the subject site and apply the Clevedon Precinct over the part of the site which is proposed to become RCLZ.
74. Use and development of rural zones is dual tagged in the AUP(OP) as both a regional plan and district plan matters. This is the same with the Clevedon Precinct. For that reason, both the regional and district plan provisions need to be considered.
75. In the development of a proposed plan change to a regional and/or district plan, the RMA sets out mandatory requirements in the preparation and process of the proposed plan change. Table 2 summarises matters for plan changes to regional and district plans.

**Table 2: Plan change matters relevant to regional and district plans**

RMA Section	Matters
Part 2	<p>Purpose and principles of the RMA.</p> <p>Of particular relevance to this plan change are the following Part 2 matters:</p> <p>Section 6(a) – the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.</p> <p>Section 6(c) – the protection of areas of significant indigenous vegetation.</p> <p>Section 6(e) – the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.</p> <p>Section 6(h) – the management of significant risks of natural hazards.</p> <p>Section 7(b) – the efficient use and development of natural and physical resources.</p> <p>Section 7(c) – the maintenance and enhancement of amenity values.</p> <p>Section 7(g) – any finite characteristics of natural and physical resources.</p> <p>Section 7(i) – the effects of climate change.</p>
Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal.
Section 80	Enables a ‘combined’ regional and district document. The Auckland Unitary Plan is in part a regional plan and district plan to assist Council to carry out its functions as a regional council and as a territorial authority.
Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities. It also sets out the process for private plan change applications.

76. The mandatory requirements for plan preparation are comprehensively summarised by Environment Court in *Long Bay-Okura Great Park Society Incorporated and Others v North Shore City Council* (Decision A078/2008), where the Court set out the requirements for evaluating objectives, policies, rules and other methods. These are outlined in Box 1 as follows.

**A. General requirements**

1. *A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act.*



2. *When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.*
3. *When preparing its district plan (change) the territorial authority shall:*
  - (a) *have regard to any proposed regional policy statement;*
  - (b) *not be inconsistent with any operative regional policy statement.*
4. *In relation to regional plans:*
  - (a) *the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and*
  - (b) *must have regard to any proposed regional plan on any matter of regional significance etc.;*
5. *When preparing its district plan (change) the territorial authority must also:*
  - *have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;*
  - *take into account any relevant planning document recognised by an iwi authority; and*
  - *not have regard to trade competition;*
6. *The district plan (change) must be prepared in accordance with any regulation (there are none at present);*
7. *The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.*

**B. Objectives [the section 32 test for objectives]**

8. *Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.*

**C. Policies and methods (including rules) [the section 32 test for policies and rules]**

9. *The policies are to implement the objectives, and the rules (if any) are to implement the policies;*
10. *Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:*
  - (a) *the benefits and costs of the proposed policies and methods (including rules); and*
  - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

**D. Rules**

11. *In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.*

**E. Other statutes:**

12. *Finally territorial authorities may be required to comply with other statutes. Within the Auckland Region they are subject to:*
  - *the Hauraki Gulf Maritime Park Act 2000;*
  - *the Local Government (Auckland) Amendment Act 2004.*

**Box 1: Environment Court summary of measures for plan preparation**

## 6.2 Resource Management Act 1991 – Regional Plan matters

77. There are mandatory considerations in the development of a proposed plan change to regional matters. Table 3 summarises regional matters under the RMA, relevant to PC45.

**Table 3: Plan change - regional matters under the RMA**

Relevant Act/ Policy/ Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 30	Functions of regional councils in giving effect to the RMA
Resource Management Act 1991	Section 59	Sets out the purpose of a regional policy statement in giving effect to the RMA
Resource Management Act 1991	Section 60	Sets out the requirement for and the process for, changes to the regional policy statement
Resource Management Act 1991	Section 61	Sets out the matters to be considered for a regional policy statement
Resource Management Act 1991	Section 62	Sets out the required contents of regional policy statements
Resource Management Act 1991	Section 63	Sets out the purpose of regional plans
Resource Management Act 1991	Section 64	Sets out the requirement for and the process for, changes to the regional coastal plan
Resource Management Act 1991	Section 65	Sets out matters to be considered for changes to regional plans
Resource Management Act 1991	Section 66	Sets out matters to be considered in (other) regional council plans
Resource Management Act 1991	Section 67	Sets out required contents of regional plans

Relevant Act/ Policy/ Plan	Section	Matters
Resource Management Act 1991	Section 68	Sets out the purpose and considerations of rules in regional plans (regional rules)
Resource Management Act 1991	Section 69	Sets out matters to be considered for rules relating to water quality
Resource Management Act 1991	Section 70	Sets out matters to be considered for rules relating to discharges

### 6.3 Resource Management Act 1991- District Plan matters

There are mandatory considerations in the development of a proposed plan change to district plans and rules. Table 4 summarises district plan matters under the RMA relevant to PC45.

**Table 4: Plan Change - District Plan Matters under the RMA**

Relevant Act/ Policy/ Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991
Resource Management Act 1991	Section 73	Sets out the process to prepare or change a district plan
Resource Management Act 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statements, other regulations and other matters
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal on the environment

#### **6.4 National policy statements**

78. Pursuant to Sections 74(1)(ea) and 75 of the RMA, the relevant national policy statements ('NPS') must be given effect to in the preparation of the proposed plan change, and in considering submissions on PC45.
79. There are two NPS of relevance to PC45. These are the National Coastal Policy Statement 2010 and the National Policy Statement on Freshwater Management 2020. For the avoidance of doubt, while the statutory assessment considers the National Policy Statement on Urban Development 2020 (paragraphs 186 – 188), in my view this is not relevant to this proposal as the policy statement addresses development capacity in New Zealand's urban environments<sup>17</sup>.
80. At the time this plan change is being considered, the National Policy Statements for Indigenous Biodiversity and Highly Productive Land are in development but have not come into force.
81. The Hauraki and Gulf Islands Marine Park Act 2000 (HGMPA) is also considered in this section as section 10(1) of that Act states that for the coastal environment of the Hauraki Gulf, sections 7 and 8 of the HGMPA must be treated as a New Zealand Coastal Policy Statement issued under the RMA. The New Zealand Coastal Policy Statement prevails where there is a conflict between these two statutes (section 10(2) of the HGMPA).

##### **6.4.1 National Policy Statement on Freshwater Management 2020 ('NPSFM')**

82. The applicant has considered the NPSFM at paragraph 189 of the statutory assessment.
83. The NPSFM applies to all freshwater (including groundwater) and to the extent they are affected by freshwater entering receiving environments which may include estuaries and the wider coastal marine area.
84. This policy statements seeks to manage natural and physical resources in a way that prioritises, in order of importance: firstly, the health and well-being of water bodies and freshwater ecosystems; secondly, the health and needs of people; and thirdly, the ability for people and communities to provide for their social, economic and cultural well-being.
85. The concept of Te Mana o Te Wai is established in this national policy statement and refers to the importance of protecting the mauri (life force) of the water and restoring balance between water, the wider environment, and the community. The role of tangata whenua in the management of freshwater is given particular importance.

##### Comment

86. Being within a coastal environment and adjacent to the Wairoa River, the NPSFM is relevant to PC45.
87. As outlined in the statutory report and in memorandum of Council's stormwater management and flooding experts<sup>18</sup>, the plan change site is traversed by a series of farm drains and other overland flow paths which discharge into an unnamed tributary of the Wairoa River and into an estuarine wetland via two culverts.

<sup>17</sup> Defined by the NPS as any area of land which is, or is intended to be, predominantly urban in character and part of a housing and labour market of at least 10,000 people.

<sup>18</sup> Memo of I. Jayawardena and Z. Qian – Healthy Waters

88. The lower lying aspects of the site are identified as being subject to periodic flooding and are mapped in Council's GIS viewers as a 1% AEP floodplain and 1% AEP plus 1m Coastal Inundation area.
89. Stormwater and wastewater activities likely to be undertaken on the site in the future have the potential to directly affect the ecological health of the Te Wairoa and riparian ecosystems adjoining it.
90. Potential flooding effects on other properties due to a potential increase of impervious surfaces on the site have been raised as of concern through submissions<sup>19</sup> and such effects can adversely affect the ability for people to provide for their well-being.
91. The subdivision and land use concept provided with the plan change application is useful insofar as it demonstrates a possible configuration of development on the site and how matters such as stormwater disposal, wastewater disposal, and ecological restoration might be achieved in accordance with the policies and standards of the AUP(OP) as well as related codes of practices such as the Stormwater Code of Practice 2015.
92. The conclusion of Council's Healthy Waters experts is that such a proposal will not exacerbate peak floodwater flows from the large upstream catchment and that the stormwater and wastewater treatment methods mitigating potential effects of a countryside living development on the freshwater environment are technically possible pending detailed design at the resource consent stage. Suitable provisions exist within the AUP(OP) to consider these matters at that time.
93. This review has also confirmed that flooding of surrounding properties will not be exacerbated because of such subsequent development and is addressed in more detail in section 8 of this report - assessment of effects.
94. An investigation of the existing ecology on the site has found it to be negligible and this has been supported by the Council specialist<sup>20</sup>. Restoration opportunities exist upon subdivision and development of the site which will directly benefit the ecology of the area.
95. There is some question around the extent to which some of these restoration activities can be provided for on land not currently owned by the applicant, however these are matters considered best addressed as part of a resource consent process. Ecological enhancement opportunities are available within the subject site which will contribute to the health and wellbeing of the waterbody.
96. Council records identify that sixteen mana whenua groups were notified of this application. Of these, Ngāi Tai ki Tāmaki met with the applicant on site and provided their written approval for the proposal and in particular the enhancement of the wetland adjoining the Wairoa River<sup>21</sup>.
97. For these reasons, I consider the plan change gives effect to the NPSFM.

<sup>19</sup> Refer to T and D Giles Submission 16.

<sup>20</sup> Memo of C. Tutt – Ecologist in Appendix 5

<sup>21</sup> Appendix 14.2 of the statutory report

## 6.4.2 New Zealand Coastal Policy Statement (NZCPS)

98. The applicant has considered the NZCPS at paragraph 196 of their statutory report and argues, in paragraph 200 of their assessment, that the area to be rezoned is:

*...not an area where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands; is in the main outside the area at risk from coastal hazards; does not contain any coastal vegetation or habitats of indigenous coastal species; does not contain elements or features that contribute to the natural character, landscape, visual qualities or amenity values; and does not have any known items of cultural and historic heritage. As such the area to be rezoned does not meet the NZCPS criteria for the coastal environment. The NZCPS therefore has limited relevance to the plan change request*

99. The NZCPS contains policies to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. It identifies that the coastal environment varies in nature and extent around the country and recognises that the natural and recreational attributes of the coast make it an attractive place to live, something that places growing pressure on coastal space and other resources<sup>22</sup>.
100. Key issues the NZCPS identifies include: a lack of understanding about some coastal processes and effects activities have on them, loss of natural character, landscape values and wild or scenic areas, and a decline in species, habitats and ecosystems in the coastal environment. As discussed in section 6.4.3 of this report, the NZCPS recognises the Hauraki Gulf Marine Park Act 2000 as a New Zealand Coastal Policy Statement.

### Comment

101. I agree that the NZCPS is relevant however consider it should be considered to a greater extent than has been done in the statutory report.
102. The plan change site is within the coastal environment, as identified by the AUP(OP). It is also subject to coastal inundation (refer to Figure 8).
103. The applicant has correctly identified that the subject site is in the RCZ, Tāmaki-Firth coastal area. Its purpose is to *retain and enhance the rural character and amenity values, local coastal character and biodiversity values of rural areas along Auckland's harbours, estuaries and coastline*<sup>23</sup>.
104. This description is further elaborated on in Chapter H19.5.10 where the AUP(OP) identifies the Tāmaki-Firth coastal area as a mixture of flat land in the lower reaches of the Wairoa River backing onto steep hill country with pastoral farming predominant. A key policy from a landscape perspective is Policy H19.5.10.3(2):

*Avoiding locating dwellings and other significant buildings on prominent headlands and ridgelines and the construction of visually prominent accessways up and across visually significant slopes*

105. Several key matters are raised by the application which are relevant to the NZCPS. These are:

<sup>22</sup> NZCPS - Preamble

<sup>23</sup> Chapter H19.5.1 Zone Description

- a) the extent to which the plan change affects the coastal character, public access and amenity and opportunities for restoration (Policy 3(2), Policy 13, Policy 14);
  - b) the adverse effects of activities on indigenous biodiversity in the coastal environment (Policy 11); and
  - c) subdivision, use and development in areas of coastal hazard risk (Policy 25).
106. The matters pertaining to the character and amenity are addressed by the applicant through landscape and visual assessment in Appendix 13 of the statutory report. This has been reviewed by a Council appointed expert who concurs with the views of the applicant's experts<sup>24</sup>. This is discussed in more detail in section 8.1 of this report, the landscape and visual effects assessment.
107. The experts agree that the site and surrounding area are not high in rural character values. In their view the area exhibits a rural residential or lifestyle character. No outstanding or high natural landscapes are in the vicinity and due to its farming land use, the site is absent of significant vegetation.
108. The site of rezoning is set back some distance from the river and on a knoll which is not particularly prominent. In their view, the clustering along with planting and design standards can achieve an appropriate visual outcome within the wider landscape.
109. With respect to indigenous biodiversity, the Council experts agree with the applicant that remediation and restoration opportunities exist on the site to enhance water quality and riparian habitat. Consequently, it is feasible for subsequent development to avoid adverse effects on the riparian Significant Ecological Area (SEA\_T\_5361) within the river to the north of the plan change site. This matter is discussed further in section 8.2 of this report.
110. The relevance of the NZCPS as it relates to coastal hazards and climate change is a matter that has been raised by two Council experts providing technical assessments on PC45. I have relied on their expert evidence on these matters and this is discussed in section 8.5 of this report. Submissions have also raised hazards resulting from occasional freshwater and coastal flooding as a matter of concern<sup>15</sup>.
111. With respect to climate change and natural hazards, the application has provided a design which gives access above projected flood levels with an unobstructed flow of floodwater. Dwellings can also be situated above the predicted level of these hazards and the Council Experts consider that such development will not exacerbate flooding either on the subject property or surrounding properties.
112. Notwithstanding, both the NZCPS and the AUP(OP) seek to *avoid increasing* the risk of social, environmental and economic harm from coastal hazards.
113. Risk is a concept defined in the NZCPS as:
- Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence<sup>25</sup>*
114. The evidence of Council's coastal expert is that the long-term impacts of coastal hazards and climate change effects are difficult to accurately predict and occur over significant

<sup>24</sup> Memo. R. Pryor – LA4 dated 11 March 2021

<sup>25</sup> NZCPS - Glossary

periods of time. They are also dependent on how emissions are controlled globally over time (the Representative Concentration Pathway).

115. The AUP(OP) currently provides for 1m of sea level rise, and best estimates currently available suggest this will eventuate by 2100 – 2120 under a high emissions scenario<sup>26</sup>.
116. Should this occur, from a coastal hazards perspective the northernmost portion of the proposed countryside living area will be encircled within a 1-in-100 year storm event as illustrated in Figure 8 and **Attachment 10**<sup>26</sup>.
117. NZCPS Policy 25 looks at ‘*at least* a 100-year timeframe’, over which time the magnitude and effects of such hazards are difficult to predict. The Council expert advises that the current guidance from the Ministry for the Environment predicts sea-level rise of up to 1.52m by 2130 under its recommended emissions scenario for considering greenfield development.
118. The Council experts also make the point that, as sea-levels increase the frequency of present-day extreme water levels from coastal storm surge are expected to increase. While not directly related to each other as hazard events, the confluence of both a flooding and coastal inundation event is unknown in terms of the high-water levels.
119. In my view, this uncertainty and the gradual nature of climate change and the intention of PC45 to locate dwellings in close proximity to such hazards represents a higher level of risk than exists currently. The NZCPS policy is to *avoid* increasing the risk. This plan change proposal therefore does not give effect to Policies 25(a) and (b) of the NZCPS. This matter is addressed again in sections 6.6.8 and 8.5 of this report where this national policy is put into a regional context by the AUP(OP).
120. When considering the policy direction of the NZCPS overall, in light of all of the key matters identified in paragraph 105, and the extent to which risk can be mitigated on the site to the extent of the current knowledge available, I consider the failure of PC45 to completely avoid future hazards is not so significant as to say PC45 does not give effect to the policy statement.
121. I therefore consider PC45 gives effect to the NZCPS.

<sup>26</sup> Refer memo - N. Carpenter. Para 2.5. Appendix 5.





**Figure 8: Coastal Inundation 1%AEP plus 1m sea-level rise and 1%AEP floodplain.**

### 6.4.3 Hauraki and Gulf Island Marine Park Act 2000 (HGIMPA)

122. The applicant has considered this legislation from paragraph 204 of their report and has correctly identified that sections 7 and 8 are to be treated as a New Zealand Coastal Policy Statement.

#### Comment

123. The Hauraki Gulf includes estuaries and the tidal parts of rivers and creeks on the east coast of the Auckland Region<sup>27</sup>.

124. The plan change proposal demonstrates that, following development of the site, appropriate provision can be made for the on-site treatment and disposal of stormwater and wastewater. Restoration planting options exist on the site to improve water quality discharging into the river and provide a riparian habitat.

<sup>27</sup> HGMPA 2000. Section 4.

125. In addition, PC45 has demonstrated an ability to provide for the cultural and spiritual relationship of the tangata whenua of the Gulf with the Gulf through obtaining the support of Ngāi Tai ki Tāmaki for the proposal (Policy 7(2)(a)(ii)).
126. In my view, for the above reasons, the plan change proposal gives effect to the HGIMPA.

### **6.5 National environmental standards (NES) or regulations**

127. Under section 44A of the RMA, local authorities must observe national environmental standards in its district / region. No rule or provision may be duplicated or in conflict with a national environmental standard or regulation.
128. There are currently six national environmental standards. They relate to maintaining air quality, regulating sources of drinking water, managing telecommunication facilities, setting standards on electricity transmission, assessing and managing soil contaminants to protect human health, and managing plantation forestry.
129. The statutory report has assessed one NES considered relevant to the proposal, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011. The report has not considered any other regulations made under the RMA.

#### Comment

130. I agree that this is the only NES applicable to PC45. The proposed rezoning and precinct will enable a change in land use of the plan change site to countryside living type activities. The land therefore must be suitable for future human habitation.
131. The plan change application includes a Preliminary Site Investigation (PSI) report<sup>28</sup>. This has been reviewed by Council's soils expert<sup>29</sup> who requested further information from the applicant to substantiate their assessment. The applicant provided this information.
132. Council's expert agrees that there appears to have been no soil contaminating activities undertaken on the land proposed to be countryside living which would be incompatible with human habitation. This matter is addressed again in section 8.7 of this report in the context of the potential environmental effects of the plan change.
133. In considering a plan change, a territorial authority must consider any other regulation that is relevant to a regional or district plan change. Regulations made under section 360 of the RMA generally deal with matters of detail or implementation, matters of a technical nature, or matters likely to require frequent alterations or updating. No other regulations made under the RMA have been identified as being relevant to this application.

### **6.6 Auckland Unitary Plan Regional Policy Statement**

134. For a plan change, the relevant policy statement and plans must be considered in the preparation of the plan change and in the consideration of submissions.
135. The chapters of the RPS that are most relevant to PC45 are:

B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form

<sup>28</sup> 4Sight Consulting Ltd – dated April 2020.

<sup>29</sup> Memo – R. Burden. Dated 12 March 2021. Refer Appendix 5.

- B3. Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy
- B4. Te tiaki taonga tuku iho - Natural heritage
- B6. Mana Whenua
- B7. Toitū te whenua, toitū te taiao – Natural resources
- B8. Toitū te taiwhenua - Coastal environment
- B9. Toitū te tuawhenua- Rural environment
- B10. Ngā tūpono ki te taiao - Environmental risk

136. The statutory report addresses all relevant chapters except for Chapter B3 relating to transport. A theme that has emerged through submissions<sup>30</sup> is concern for the safety and efficiency of access to any future countryside living development and the capacity of Clevedon-Kawakawa Rd to accommodate any increased traffic movements. In my view, this chapter is also relevant to the proposal.

#### 6.6.1 B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form

- 137. Chapter B2 of the RPS sets out the strategic framework for addressing Auckland's population growth in a sustainable and co-ordinated manner.
- 138. Page 237 of the Auckland Plan 2050: Development Strategy identifies Clevedon Village as a rural settlement. The provisions of B2 applying to rural towns and villages are therefore relevant to this plan change, particularly B2.6.
- 139. B2.6 is not addressed in the statutory report which discusses matters of urban growth and form (B2.1) and open space and recreational facilities (B2.7).
- 140. Chapter B2.1 is of limited relevance in my opinion. Table 5 lists the additional matters I consider most relevant and responds to these.

**Table 5: Relevant Objectives and Policies of B2**

Objectives and Policies	Comment
<p><i>B2.6.1 Objectives</i></p> <p><i>(1) Growth and development of existing or new rural and coastal towns and villages is enabled in ways that:</i></p> <p><i>(a) avoid natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character unless growth and</i></p>	<p>The plan change proposal does not overlap with scheduled natural and physical resources that have been scheduled in the plan.</p> <p>The application has provided evidence that that the plan change site is not significant in its ability to sustain food production<sup>31</sup>. This is discussed further in section 8.4 of this report. The proposal is to rezone 9.88ha leaving the balance of 58.15ha</p>

<sup>30</sup> Refer to submissions 3 (Hunt) and 16 (Giles) for examples

<sup>31</sup> Appendix 11 – The Agribusiness Group.

<p><i>development protects or enhances such values; and</i></p> <p><i>(b) avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production; and;</i></p> <p><i>(c) avoid areas with significant natural hazard risks;</i></p> <p><i>(d) are consistent with the local character of the town or village and the surrounding area; and</i></p> <p><i>(e) ...</i></p>	<p>across two properties (272 and 278 Clevedon-Kawakawa Road) remaining in rural production.</p> <p>Natural hazard risks are identified within the subject site although development can occur in a manner which can avoid these as they are currently predicted within a 100-year timeframe.</p> <p>The landscape technical review by Council's expert agrees with that of the applicant that the area is not high in landscape values. Visual amenity is maintained in part by the development of countryside living on the adjoining property to the west. Subject to appropriate planting mitigation being imposed at the time of consent, appropriate landscape character and visual amenity values can be achieved. Refer to the assessment of effects section 8.1 of this report for a more detailed discussion.</p>
<p><i>B2.6.2 Policies</i></p> <p><i>(1) Require the establishment of new or expansion of existing rural and coastal towns and villages to be undertaken in a manner that does all of the following:</i></p> <p><i>(a) maintains or enhances the character of any existing town or village;</i></p> <p><i>(b) incorporates adequate provision for infrastructure;</i></p> <p><i>(c) avoids locations with significant natural hazard risks where those risks cannot be adequately remedied or mitigated;</i></p> <p><i>(d) avoids elite soils and avoids where practicable prime soils which are significant for their ability to sustain food production;</i></p> <p><i>(e) maintains adequate separation between incompatible land uses;</i></p> <p><i>(f) is compatible with natural and physical characteristics, including those of the coastal environment; and</i></p> <p><i>(g) provides access to the town or village through a range of transport options including walking and cycling</i></p>	<p>As outlined in section 2.2 of this report, the development of the Clevedon rural area expanded what was originally conceived as the Clevedon Village environs. This was in part due to the current form of subdivision and development in the area adjacent to Clevedon-Kawakawa Rd. The extent of the current Clevedon Precinct has set a baseline for the character of the rural area to the north of the village.</p> <p>Infrastructure is being provided on site as is expected in the rural area. It has been confirmed that this can be designed in an appropriate matter for the constraints of the plan change site. Refer to section 8.11 of this report.</p> <p>The proposal has demonstrated that design solutions exist to mitigate significant natural hazard risks to the extent they are currently known.</p> <p>There is the potential for reverse sensitivity effects to occur between clustered countryside living development and productive rural land. This can be addressed through land use and subdivision consenting processes. Refer to section 8.3 of this report for a more fulsome discussion.</p> <p>Expert assessment concludes that the natural and physical characteristics of this coastal environment can be mitigated to an appropriate level by landscape initiatives such as the ones proposed.</p> <p>A range of transport options to Clevedon Village do not exist nor are they provided for by PC45.</p>
<p><i>(2) Avoid locating new or expanding existing rural and coastal towns and villages in or adjacent to areas that contain significant natural</i></p>	<p>The subject site is adjacent to an extent of the Wairoa River which is scheduled as a terrestrial significant ecological area. An ecological</p>

<p><i>and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character, unless the growth and development protects or enhances such resources including by any of the following measures:</i></p> <p><i>(a) the creation of reserves;</i></p> <p><i>(b) increased public access;</i></p> <p><i>(c) restoration of degraded environments;</i></p> <p><i>(d) creation of significant new areas of biodiversity; or</i></p> <p><i>(e) enablement of papakāinga, customary use, cultural activities and appropriate commercial activities.</i></p>	<p>assessment by a Council expert confirms that restoration and remediation options are available to protect or enhance the water quality and riparian boundary of this significant area (noting that the land immediately adjacent to the river is a Council owned esplanade reserve).</p> <p>One matter that is not addressed in the statutory assessment is the extent to which public access to the significant ecological area can be provided. Paragraph 136 of the report states that future residents will be afforded access through the balance lot but this does not appear to be the case for the public in general. The Council owned Clevedon-Kawakawa Road Esplanade Reserve extends along the entire river frontage of 278 Clevedon-Kawakawa Road, adjoining the significant ecological area and on some 1.2km downstream of the site.</p>
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### Comment

141. I consider that the proposed plan change largely gives effect to the relevant objectives and policies of B2 as summarised in the above table, except for increasing public access to areas that contain significant natural and physical resources (Policy B2.6.2(2)(b)) and maintaining and enhancing public access to the lakes rivers and streams in general (Objective B2.7.1(2) and Policy B2.7.2(9)). The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is also a matter of national importance under section 6(d) of the RMA.
142. This latter objective and policy are included below:
- Public access to and along Auckland's coastline, coastal marine area, lakes, rivers, streams and wetlands is maintained and enhanced. (Obj. B2.7.1(2)).*
- Enable public access to lakes, rivers, streams, wetlands and the coastal marine area by enabling public facilities and by seeking agreements with private landowners where appropriate. (Pol. B2.7.2(9)).*
143. In this case, page 49 of the statutory report states the following:
- The plan change request will maintain and to a degree enhance public access to and along the Wairoa River and adjacent wetlands.*
144. Reading from paragraph 136 of the statutory report, this access appears to be limited to residents of the future development only. To give effect to this section of the RPS, public access to the Clevedon-Kawakawa Road Esplanade Reserve in consultation with Council should be provided, unless there are health, safety or security reasons not to do so in (Policy B2.7.2(10)).

One submitter has raised an issue of reverse sensitivity effects on established businesses adjoining the site<sup>32</sup>. Should the land be rezoned, any development of the scale envisioned in the application will need to undergo a consenting process for subdivision and land use. At that time, matters of reverse sensitivity can be considered in detail. Upon rezoning with the precinct, and prior to consent being approved, only one dwelling would be permitted per site<sup>33</sup>. This matter is also discussed in section 8.3 of this report.

### **6.6.2 B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao – Infrastructure, transport and energy**

145. The applicant has not considered this Chapter of the RPS in the statutory report.

#### Comment

146. B3.3 Transport is relevant as traffic effects on Clevedon-Kawakawa Road are a consideration. Submissions<sup>34</sup> have also raised concerns regarding effects of ribbon development along the arterial road.

147. Section B3.3 Transport seeks to integrate land use and transport to achieve a compact urban form focussed on centres and transport nodes. It supports the efficient movement of people, goods and services.

148. Of relevance to this proposal are the following objectives:

*B3.3.1 Objective (1)(d) Effective, efficient and safe transport that:*

*(a)...*

*(b)...*

*(c)...*

*(d) avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities*

*(e) facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community.*

149. The traffic effects of the proposal have been assessed by Arrive Limited for the Council. They have concluded that the applicant has adequately assessed the effects on the transport network, except for effects on road user safety due to less than desirable sight distances. This matter is discussed further in section 8.9 of this report.

150. An appropriate alternative access has been located by Arrive which can be considered in detail during any subsequent resource consenting process. Arrive conclude that the proposed rezoning would have a no more than minor effect on the safe operation of the road.

151. Arrive identifies an inconsistency with PC45 and the provisions of the RPS seeking to promote public transport use, walking and cycling. I agree with their conclusion that, while

<sup>32</sup> Submission 8 – JM Mechanical Services Ltd

<sup>33</sup> Table H19.8.2 (A72)

<sup>34</sup> Submission 16 – T and D Giles. Submission 19 – Clevedon Cares Inc.

desirable, this is not essential to development in the rural area. I therefore consider the proposal gives effect to Chapter B3 of the RPS.

### **6.6.3 B4 Te tiaki taonga tuku iho - Natural heritage**

152. The statutory assessment has considered Chapter B4 of the RPS insofar as the plan change relates to the Wairoa River and mana whenua's cultural relationship with this river.

#### Comment

153. Neither the Wairoa River nor any of the features on or surrounding the plan change site are scheduled for their natural heritage. There are no outstanding natural landscapes or features, volcanic viewshafts, or notable trees.

154. Relevant matters pertaining to the river are addressed under Chapter B7 of the RPS, whereas the relationship mana whenua have with their ancestral land are within Chapter B6 of the AUP(OP). Chapter B4 is not relevant to PC45 in my view.

### **6.6.4 B6 Mana Whenua**

155. Chapter B6 of the RPS addresses recognition of the Te Tiriti o Waitangi (Treaty of Waitangi). It provides the ability for mana whenua to exercise kaitiakitanga (guardianship) with their ancestral land through active and meaningful participation in resource management processes. The opportunity for iwi to be involved in early and meaningful engagement is an important principle in this regard. The extent to which iwi entities have been consulted on this plan change is a point raised by Submitter 9 – Heritage New Zealand.

156. The statutory report has considered Chapter B6 of the RPS and cites the engagement with, and endorsement of, Ngāi Tai ki Tāmaki as evidence this section of the RPS has been properly considered and given effect to. Ngāi Tai ki Tāmaki is a Council recognised mana whenua group.

#### Comment

157. Council's records identify eight mana whenua groups with an interest in this area. They have varying levels of association. These groups are: Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whanaunga, Te Ākitai, and Waikato – Tainui.

158. In my experience, the mana whenua groups that Council engages with tend to defer to the iwi authority(s) considered to have the greatest cultural interest in the site or proposed activity. Often, applicants are not aware this has occurred, and the statutory report makes no such mention of this happening.

159. As outlined in section 2.5 of this report, this plan change proposal has been both limited and fully notified. A review of Council records confirms that all eight of the iwi authorities identified were notified of the plan change both times – at both kaitiaki (officer) and governance level. No submissions or expressions of interest from these iwi authorities has been received by Council.

160. Ngāi Tai ki Tāmaki hold a statutory acknowledgement over this site in accordance with Section 74 of the Ngāi Tai ki Tāmaki Claims Settlement Act 2018. Among other things, the statutory acknowledgement allows the trustees of Ngāi Tai ki Tāmaki to cite the existence of this as evidence of their ancestral association with the area. No other statutory acknowledgements apply to this site.

161. Ngāi Tai ki Tāmaki have provided their written endorsement of a possible development on this site which represents the upper limit of intensity of land use enabled by this plan change, should it be approved.
162. In my view, this is evidence of early, meaningful engagement and of mana whenua's cultural values being provided for in the details of the proposal. This is particularly with respect to wetland planting near the Wairoa itself and water quality enhancement.
163. The other relevant iwi authorities have been provided adequate opportunity to participate in the plan change through the notification process in my opinion.
164. For the above reasons, I consider this plan change gives effect to Chapter B6 of the RPS. This matter is also discussed in the effects assessment section of this report (section 8.12).

#### **6.6.5 B7 Toitū te whenua, toitū te taiao – Natural resources**

165. Chapter B7 of the RPS is concerned with managing subdivision use and development in a manner that protects, restores and enhances natural resources. Of relevance to this proposal, it is concerned with protecting natural habitats and biodiversity as well as maintaining and progressively enhancing the quality of the freshwater and coastal systems which support them.
166. The applicant has considered Chapter B7 of the RPS in the statutory report.

#### Comment

167. This chapter of the RPS is relevant to the proposal due to the subject site's location to the Wairoa River and coastal environment, as well as its proximity to a riparian freshwater significant ecological area. The protection of areas of significant indigenous vegetation is a matter of national importance under section 6(c) of the RMA.
168. The objectives and policies of most relevance to the proposal address Indigenous Biodiversity – Objectives B7.2.1(1) and (2) and Policy B7.2.2(5); Freshwater Systems – Objectives B7.3.1 (1), (2), (3) and Policies B7.3.2(1)(c), (d), (2), (3), (5), (6) ; and Coastal Water, Freshwater and Geothermal Water – Objectives B7.4.1(2), (4), (5), (6) and Policies B7.4.2(1)(c), (6), (7), (8), (9), (10).
169. Of relevance to the proposed plan change and likely development of the site, the objectives and policies of B7.2 seek to ensure that indigenous biodiversity is protected, restored and enhanced where development is occurring. Adverse effects on scheduled indigenous biodiversity should be avoided.
170. Council's ecology expert has considered the existing ecology on the plan change site and opportunities identified by the applicant for ecological enhancement of the site<sup>35</sup>. The Council expert agrees that opportunities exist for enhancement of the site although also identifies that the land immediately adjoining the significant ecological area is Council owned and therefore restoration of this site would require consultation. Both floodgates (also on Council owned land) block fish passage and therefore will require upgraded devices.
171. It is common ground that the current ecology of the plan change site is low and there is the potential for development to be undertaken in such a way as to result in a net

<sup>35</sup> Refer to Memo – C. Tutt, dated 10 May 2021. Appendix 5.



ecological gain, which will in turn benefit the scheduled indigenous biodiversity. The details of this can be considered in detail during resource consenting processes, should the plan change be approved.

172. With respect to freshwater systems and coastal water, Council's Development Engineer and Healthy Waters experts have confirmed that appropriate wastewater and stormwater treatment is possible outside of identified flooding areas and that earthworks can proceed safely and without any significant adverse effects<sup>36</sup>. This, in combination with stormwater treatment train solutions, make it possible to avoid degraded freshwater being discharged from site. Mana whenua have confirmed that treatment and enhancement options exist on the site to provide for their cultural associations.
173. For the above reasons, I consider the plan change proposal gives effect to Chapter B7 of the RPS.

#### **6.6.6 B8 Toitū te taiwhenua - Coastal environment**

174. Chapter B8 addresses matters pertaining to restoring and protecting the coastal environment within the Auckland Region. This is both above and below the line of mean high-water springs and covers an area determined by natural and physical elements, features and processes associated with the coast<sup>37</sup>.
175. This chapter considers characteristics and qualities of the environment that are both outstanding, and also not high in these values, with a view to enhancing the coastal area overall. It actively seeks to promote public access to the coastal marine area where possible.
176. The matters of relevance to this section of the AUP(OP) have been covered to some extent in Section 6.4.2 of this report when looking at the extent to which the proposed plan change gives effect to the New Zealand Coastal Policy Statement.
177. This chapter of the RPS has been considered in detail in the statutory report from page 50.

#### Comment

178. The RCZ zoning of the plan change site and the fact that it is affected by, and contributes to, coastal processes identifies it as being within the coastal environment of the Auckland Region. The preservation of the natural character of the coastal environment, rivers and their margins is also a matter of national importance under section 6(a) of the RMA.
179. Many of the matters of relevance to this section also have relevance elsewhere in the RPS and have been commented in the previous sections. These include effects on the landscape and visual amenity of the site and wider area, the protection of indigenous biodiversity, ecological restoration, the quality of freshwater discharging into the coastal environment, earthworks management, the treatment of wastewater, and the avoidance of natural hazards which arise from and drain to the coastal marine area. These matters have also been the subject of submissions.
180. In my opinion the statutory report has identified the relevant objectives and policies of Chapter B8 and has responded to these appropriately. Further discussion of these

<sup>36</sup> Refer to Memo – J. Newsome, dated 12 March 2021. Appendix 5.

<sup>37</sup> Chapter B8.6 – Explanation and principal reasons for adoption

matters is included in section 8 of this report when considering the assessment of environmental effects of PC45.

181. As has been discussed in Section 6.6.1 of this report, the provision of public access to the riverbank and Clevedon-Kawakawa Road Esplanade Reserve has not been considered. While this section of the river is not identified as the coastal marine area, it is part of the coastal environment and consideration should be given to the matter of public access.

#### **6.6.7 B9 Toitū te tuawhenua- Rural environment**

182. This chapter of the RPS seeks to protect the productive potential of rural land as a finite resource. It seeks to avoid urban expansion which creates pressure on rural activities reliant on the land or supporting rural activities to produce their goods and services.
183. The RPS provisions recognise the role of rural and coastal towns in enabling people to live and work in rural areas and seek to maintain and enhance rural amenity and significant indigenous biodiversity.
184. The statutory report has assessed Chapter B9 of the RPS from page 52 and provides a detailed examination of Policy B9.4.2(4) which is seen by the applicant as a key policy of relevance to PC45.

#### Comment

185. The applicant has provided a detailed response to this section of the RPS which draws on the evidence of their soils specialist<sup>38</sup> and land use capability specialist<sup>39</sup>.
186. The analysis of these specialists has been reviewed by a Council soils expert who agrees with the assessment of the applicant's soil specialist regarding the limited extent to which prime soils are present on the site. No elite soils are present.
187. The Council soils expert does not entirely agree some of the comments of the land use capability specialist regarding the productive rural utility of blocks under 50ha. Notwithstanding, the Council expert considers the loss of 4.65ha of prime soil is not a significant adverse effect<sup>40</sup>. These matters are discussed in detail in Section 8 (assessment of environmental effects) of this report.
188. Other matters such as effects on rural amenity and landscape, and reverse sensitivity effects have been addressed elsewhere in this report and are discussed in detail in section 8 of this report as well as in response to submissions.
189. Relying on the evidence of the Council experts, I agree with the conclusions drawn by the applicant against the provisions of Chapter B9 and that PC45 gives effect to this chapter of the RPS.

#### Change to the Rural Provisions

190. On 16 March 2021, the Environment Court issued its decisions on appeals to the rural subdivision provisions of the AUP(OP). These became operative on 11 June 2021 and a

<sup>38</sup> Appendix 9.2 – Dr. D Hicks.

<sup>39</sup> Appendix 11 – The Agribusiness Group

<sup>40</sup> Refer to Memo – Dr. R Hill dated 11 June 2021. Appendix 5.

copy of the decision is included as **Appendix 8**. The appeals related to the extent that the transfer of titles to the RCLZ were provided for in the AUP(OP).

191. This decision confirms the extent to which transferable rural site subdivision or in situ subdivision can occur in the RCLZ, either via the transfer of existing titles or through the protection or restoration of areas of significant indigenous vegetation or wetlands. Only certain areas of RCLZ can become receiver sites for title transfer and the plan change site is not in one of these areas<sup>41</sup>.
192. The decision has, however, made changes to Chapter B9 of the RPS which is relevant to the consideration of this plan change.
193. Chapter B4 Rural Subdivision is a central set of policies for this application. B9.4.1(1) has been removed from the RPS as follows:

~~*Further fragmentation of rural land by sporadic and scattered subdivision for urban and rural lifestyle living purposes is prevented.*~~
194. A similar clause has instead been included in the E39.2 Rural Subdivision objectives which is underlined as follows:

*(10) Fragmentation of rural production land:*

*(c) subdivision of land avoids inappropriate rural lifestyle lots dispersed throughout the rural and coastal areas.*
195. The intent of the policy is to avoid sporadic rural lifestyle lot subdivision, primarily in remote areas where sites can contain significant areas of indigenous vegetation. This is not the case with the PC45 site.
196. Paragraph 212 the statutory report discusses the number of dwellings enabled by the expanded RCLZ and draws conclusions that the rezoning will represent a negligible addition to the RCLZ land in Auckland. The report goes on at paragraph 228 to suggest there is a demand for rural lifestyle areas outside of the village and a perceived shortfall of available land in the north and east of the village.
197. Regionally, Council GIS analysis identifies that there is currently 23,920ha of RCLZ land across 8,450 parcels. 1,258 of these parcels are greater than 4ha in area. During the Unitary Plan process, approximately 4,500ha of rural land was rezoned to RCLZ.
198. With respect to Clevedon Village itself, approximately 283ha of additional rural land was rezoned through the Unitary Plan process to RCLZ, an increase of 75% from the 375ha notified in the PAUP.
199. The total area of RCLZ land around Clevedon Village is therefore 658ha of which approximately 210ha is to the north and east of Clevedon Village, including the land adjoining the plan change site.
200. The statutory report considers the capacity for countryside living to the north and east of the Clevedon Village without considering the other 448ha of RCLZ land in closer proximity to village, west of the Wairoa River and to the south.

<sup>41</sup> Refer to Table E39.6.5.2.1 of Chapter E39 Rural Subdivision

201. Demand for countryside living opportunities is identified in the AUP(OP) as a region wide matter to be balanced against, among other things, maintaining the amenity values and quality for the environment in rural areas<sup>42</sup>.
202. The AUP(OP) is based on the concept of a quality compact urban form which seeks to contain urbanisation within rural and coastal towns and villages<sup>43</sup>. The Clevedon Precinct also seeks to achieve this by considering how growth and built form is to develop around the village over the long term. It is founded on a structure plan approach.
203. In my view, consideration of overall supply and demand for specific zones and lifestyle choices is more appropriate during macro scale planning processes, such as during a structure planning level of investigation or through the testing provided by the IHP AUP process.
204. During these processes, quantitative research (for example statistics) is combined with qualitative investigation (discussions with local boards, community groups, developers etc.) to determine an appropriate growth strategy for an area, village or sub-region.
205. For the reasons set out earlier, I consider this proposal gives effect to Chapter B9 of the RPS.

#### **6.6.8 B10 Ngā tūpono ki te taiao - Environmental risk**

206. The statutory report has considered the objectives and policies of Chapter B10 of the RPS. This analysis was expanded by the applicant in response to a clause 23 request for further information.
207. In the clause 23 response, the applicant draws the conclusion under Objective B10.2.1(3) that it is feasible to develop the site in such a manner to ensure that all habitable areas, stormwater, wastewater disposal, and access are not affected by natural hazards. This avoids any new risks to people, property and infrastructure as a result of natural hazards.

#### Comment

208. The policy approach taken in the RPS is to avoid the creation of new risks to people, property and infrastructure by natural hazards and climate change.
209. The concept of risk was discussed in section 6.4.2 of this report in relation to the NZCPS. It is not a defined term in the AUP(OP).
210. As is consistent with the NZCPS, the RPS considers a combination of factors in its approach to risk assessment, and these are outlined in Policies B10.2.2(4), (5) and (6). The policies adopt a precautionary approach.
211. A central policy to assessing risk is B10.2.2(4), repeated as follows:

- (4) *Assess natural hazard risks:*
  - (a) *using the best available and up-to-date hazard information; and*
  - (b) *across a range of probabilities of occurrence appropriate to the hazard, including, at least, a 100-year timeframe for evaluating flooding and coastal hazards.*

<sup>42</sup> RPS B9.1 Issues.

<sup>43</sup> B2.2 Urban growth and form – Objective 4.

212. Once the risk is identified, Policy B10.2.2(5) manages development as follows:
- (5) Manage subdivision, use and development of land subject to natural hazards based on all of the following:*
- (a) the type and severity of potential events, including the occurrence natural hazard events in combination;*
  - (b) the vulnerability of the activity to adverse effects, including the health and safety of people and communities, the resilience of property to damage and the effects on the environment; and*
  - (c) the cumulative effects of locating activities on land subject to natural hazards and the effects on other activities and resources.*
213. The statutory report has assessed these matters on page 54 where it is concluded that the natural hazard flood risks and coastal inundation risks have been appropriately assessed and the location and design of future dwellings, infrastructure and vegetation demonstrates that the *'proposal does not increase the risk of adverse effects from natural hazards'*.
214. The Council experts on coastal processes and flooding are clear that placing 'more vulnerable activities' (as defined in the AUP(OP)) in proximity to natural hazards represents a higher level of risk than currently exists, given the uncertainty in modelling such events.
215. In the context of the NZCPS, and for the reasons discussed from paragraph 114 of this report, I consider that while the matters stated in the application are mitigating factors, they do not represent an outright avoidance or no increase to the risk of natural hazards to any future people or dwellings on this site. This is due to the uncertain nature of natural hazard events.
216. The policies of B10.2, which give effect to the NZCPS qualify what is meant by avoidance of new risks in the context of RPS Chapter B10.
217. They set out a framework of assessing the natural hazard risk under Policy B10.2.2(4), then assess the vulnerability of the activity to adverse effects under Policy B10.2.2(5)(b). In my view, this further contextualises the concept of 'risk' as defined in the NZCPS. It allows a merits-based assessment of the vulnerability of an activity.
218. The applicant has followed this methodology and used the best available information that Council has publicly available and has put forward a design approach which minimises the vulnerability of the activity to adverse effects within the context of this site.
219. While some residual increase in risk remains due to the uncertainty of such events and the greater density of countryside living activities in the proximity of identified natural hazards, Objective B10.2.1(3) *'New subdivision, use and development avoid the creation of new risks to people, property and infrastructure'* is given context in subsequent chapters of the AUP(OP), most notably Chapter E36 Natural hazards and flooding.
220. The nature, magnitude and extent of the natural hazards are identified through the use of the 1%AEP coastal inundation plus 1m sea level rise extent, and the 1%AEP catchment flood plain. These have been identified in the statutory report and the Council's experts agree that design solutions exist to avoid these and the land to be developed on the site is outside of these areas. As conceived by the AUP(OP) in policies E36.3(3)(h) and (j), E36.3(5), and E36.3(16), the natural hazard risk is therefore able to be avoided.
221. Should avoidance not prove practical on detailed examination of the subdivision application, the consent may be declined under section 106 of the RMA.

222. Accordingly, while in section 6.4.2 of this report I consider PC45 does not give effect to the broader policy in the NZCPS, I consider it does give effect to Chapter B10 as the natural hazard policy is applied to the Auckland regional context. This matter is discussed again in section 8.5 of this report when discussing natural hazard effects.

### 6.6.9 Conclusion

223. Overall, it is my conclusion that PC45 gives effect to the RPS of the AUP(OP).

## 6.7 Auckland Unitary Plan

224. The statutory report provides an assessment against the Rural Zones, RCZ and RCLZ of the AUP(OP) from paragraph 238. The applicant has also assessed the Clevedon Precinct – Sub precinct C provisions from paragraph 251.

225. The assessment notes at paragraph 253 that:

*In essence the key difference between the Rural – Rural Coastal Zone and the Rural – Countryside Living Zone is the former places an emphasis on protecting the amenity and scenic values of the coastal area through restriction of lifestyle subdivision and development, while the latter anticipates that its rural land will be used for both lifestyle subdivision and development and small-scale production. The Rural – Countryside Living Zone is therefore a much more permissive zone for dwellings for lifestyle purposes than the Rural – Rural Coastal Zone*

226. It notes the findings of the applicant's specialists regarding visual amenity and landscape character and their evidence on the productivity of the site soils and capacity for rural production. A defensible boundary to the zone is identified as the boundaries with the flood and coastal inundation controls mapped over the site.

227. The report concludes at paragraph 258:

*...The nature and character of the land requested to be rezoned and the nature and character of the immediate and wider environment that this land sits within means that this land generally better satisfies the description of the Rural – Countryside Living Zone than the Rural – Rural Coastal Zone.*

### Comment - Rezoning

228. In terms of the consideration of rezoning and precincts in the AUP(OP), guidance was provided by the IHP on 31 July 2015 regarding best practice approaches<sup>44</sup>. This guidance is useful to structure the analysis for the proposed rezoning and is discussed in Table 6.

<sup>44</sup> <http://www.aupihp.govt.nz/documents/docs/aupihpinterimguidbestpracticerezoningprecinctsub20150731.pdf>

**Table 6: IHP Best Practice Approach to Rezoning**

Principle	Comment
<p>The change is consistent with the objectives and policies of the proposed zone. This applies to both the type of zone and zone boundary.</p>	<p>The statutory report assesses the correct objectives and policies of the respective rural zones.</p> <p>The Council expert reviews agree with the statutory report regarding the effects on landscape character of the area once mitigation planting has established. Clustering of the dwellings and the 500m setback from the Wairoa River assists in this respect.</p> <p>The Council soil expert has provided recommendations that the loss of 4.65ha of prime soil on the plan change site is not a significant effect with respect to productive soils, given the size and isolated location of the prime soil on the site. The balance lot of 58.15ha adjacent to the Wairoa River will remain in rural production and ecological enhancement can occur on this land.</p> <p>The natural hazard areas, which are incompatible with intensification of development predominantly do not cover the location of the proposed RCLZ.</p> <p>The location of the RCLZ surrounded by low intensity RCZ land and adjoining existing RCLZ will serve to lessen the possibility of future reverse sensitivity effects. Methods are available to address residual reverse sensitivity matters. These matters are discussed in more detail in the assessment of effects section of this report (Section 8).</p> <p>In conclusion, I agree that the zone split proposed in PC45 is consistent with the objectives and policies of the respective rural zones.</p>
<p>The overall impact of the rezoning is consistent with the Regional Policy Statement.</p>	<p>I have undertaken an assessment against the RPS in section 6.6 of this report where I conclude that, except for Chapter B10 – Environmental Risk, the proposal is consistent with the RPS.</p>
<p>Economic costs and benefits are considered.</p>	<p>These have been considered in the section 32 assessment and have been considered as far as they can practically be ascertained to support the plan change.</p>
<p>Changes should take into account the issues debated in recent plan changes.</p>	<p>As discussed in section 2.2 of this report, the most recent plan change affecting this site was</p>

	during the Unitary Plan hearings process from 2014-2016.
Changes to the zone boundaries are consistent with the maps in the plan that show Auckland-wide rules and overlays or constraints (e.g. hazards).	A premise of PC45 is that the zone will avoid the natural hazard areas to the greatest extent possible. These become the defensible boundaries along with Clevedon-Kawakawa Road itself. I agree with this approach and that the eastern extent of the natural hazard mappings make it unlikely that any further extension of the RCLZ (and precinct) to the east will be supported, thereby protecting the plan integrity of the precinct <sup>45</sup> .
Changes should take into account features of the site (e.g. where it is, what the land is like, what it is used for and what is already built there).	PC45 takes into account the topography of the site and the proximity of adjoining development to the south and west. Low lying areas of the site adjacent to the river and which include overland flow paths are recognised and provided for through the retention of the RCZ.
Zone boundary changes recognise the availability or lack of major infrastructure (e.g. water, wastewater, stormwater, roads).	The Council Healthy Waters expert and development engineer confirm that infrastructure can be appropriately accommodated within the proposed RCLZ extent.
There is adequate separation between incompatible land uses (e.g. houses should not be built next to heavy industry).	The question of reverse sensitivity has been raised by one submitter <sup>32</sup> insofar as complaints may arise as a result of noise from their mechanics business. In my view, this matter is able to be addressed through any subsequent resource management process and is discussed further in the assessment of effects section of this report (section 8.3).
Zone boundaries need to be clearly defensible (e.g. follow roads where possible or other boundaries consistent with the purpose of the zone).	I agree that the natural hazard overlays will form a defensible boundary to the proposed RCLZ, both to the north and east. The Clevedon-Kawakawa Road forms the southern extent of the zone and to the west is RCLZ. The same applies to any further extension of the Clevedon Precinct Sub precinct C which only applies to RCLZ sites.
Zone boundaries should follow property boundaries.	While this will not be the case initially if the plan change is approved, the applicants stated intention is to undertake subdivision in such a manner that this will occur.

<sup>45</sup> Refer to Clause 23 Further Information Response – 24 April 2020 - Item P2 in Appendix 4.



Generally no 'spot zoning' (i.e. a single site zoned on its own)	PC45 does not propose spot zoning as it will be an extension of the RCLZ to the west.
Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account	The use of an adjoining property as a mechanics business has been taken into account from a reverse sensitivity perspective.  No relevant existing consents on the plan change site have been identified.
Roads are not zoned	No roads are included in the plan change area.

229. In my view the statutory report has considered all the relevant regional and district plan matters with respect to the proposed change of zoning from RCZ to RCLZ. I agree that the zoning split proposed in PC45 is consistent with the objectives and policies of the respective zones. I have found it to be consistent with a best practice approach to rezoning. Some of these matters are discussed further in the assessment of effects section of this report (section 8).

#### Comment – Precinct

230. The statutory report considers the purpose of the Clevedon Precinct (I408.1) from paragraph 251 but does not examine its objectives and policies. The report states that the clustering provisions in the sub-precinct will result in a good resource management outcome for the plan change site as it will protect rural coastal amenity yet also be consistent with and an extension of the land use to the west of the site. Productive rural activities can be maintained on the 58.15ha balance site.

#### Comment

231. As has been discussed in section 2.2 of this report, the Clevedon Precinct seeks to develop a growth concept for the village centred on the outcomes of the Clevedon Village Sustainable Development Plan completed in 2010.

232. The concept for the rural land was to provide a gradual transition from rural land to new residential areas via a series of small rural holdings. Clustering is a mechanism used in the precinct to both manage the visual impact of development, provide space for wildlife corridors, and locate development to promote productive rural activities on balance sites.

233. Large areas of the precinct are subject to flooding risk. Another function of the clustering provisions of the precinct is to enable land only partially affected by flooding and coastal hazards to be developed where a suitable building platform exists and there is appropriate space for stormwater and wastewater infrastructure<sup>46</sup>.

234. The most relevant objectives of the precinct seek to define a new boundary for the expansion of Clevedon that provides a clear differentiation between urban and rural areas (Obj. 1). Development and/or subdivision is required to integrate with the transport network in a safe and efficient manner (Obj. 2) and wastewater is to be managed in a manner to avoid, remedy or mitigate adverse effects on the water quality of the Wairoa River catchment (Obj. 3). Adverse effects on property and the environment from flooding

<sup>46</sup> I408 Clevedon Precinct description

and coastal storm inundation are to be avoided where practicable or otherwise minimised or mitigated (Obj. 4).

235. The relevant policies require subdivision and development to be in accordance with the precinct plan (Pol. 1), establish a pattern of development dispersing through the rural environment (Pol. 2), provide a range of lifestyle choices, and protect the ecology and character of the rural environment while promoting public access to the river (Pol. 3, 8). Subdivision and development should be undertaken in a manner which locates sensitive activities and wastewater disposal outside of identified flooding and inundation areas (Pol. 9).
236. In the case of the plan change site, the constraints around flooding and coastal storm inundation are present. The site is a relatively small extension to an established boundary of the RCLZ of Clevedon which, upon the advice of traffic experts can integrate safely with the traffic network.
237. The specifics of this property are that it is not a highly productive rural site and is at the western edge of a significant area of land on the northern side of Clevedon-Kawakawa Road which is subject to regular flooding. This makes the future eastern expansion of both the RCLZ and precinct unlikely.
238. The site bounds the eastern edge of the existing RCLZ and Clevedon Sub-precinct C and, while not necessarily offering a pattern of development dispersal through the rural environment, can utilise the clustering provisions of the precinct in the manner in which the precinct describes.
239. Precinct subdivision standard I408.6.4(2)(c) and (d) are important mechanisms within the Clevedon Precinct. They ensure that the clustering provisions of the precinct are not inappropriately used by counting land which is outside the precinct in the density calculations. They also prevent the 'double counting' of subdivision entitlements on balance lots under the precinct rules. The applicant has proposed changes to the precinct to allow the total area of Lot 1 DP 146882 to be considered for the density calculations (I480.6.5(2)(d)).
240. The 58.15ha balance lot of RCZ land on both 272 and 278 Clevedon-Kawakawa Road sits outside the precinct. I have considered the scenario where, pending no consent notice being applied at the time of subdivision on these titles, the RCZ balance lots could be amalgamated, and the region-wide subdivision standards be applied to gain an additional subdivision entitlement.
241. Table E39.6.5.1.1 sets out the minimum average site size and minimum site size required as a result of subdivision. In the RCZ these are 50ha and 40ha respectively, unlikely to be granted consent with a parent allotment of only 58ha.
242. The applicant proposes a change to Table I408.6.5.1 Minimum Site Size to prescribe a maximum of 12 dwellings on Lot 1 DP 146882. This table already contains bespoke requirements for other individual lots contained within the precinct, presumably after site specific assessment.
243. For the reasons discussed in the effects assessment section, with respect to this particular site, I agree that the density sought through PC45 is appropriate and therefore support both of the amendments to the precinct provisions sought by the applicant.
244. I have considered the extent to which including Lot 1 DP 146882 in the average lot size provisions of the precinct, when the bulk of the lot will sit outside the Clevedon Precinct, creates an undesirable precedent for the precinct. In this instance, the specific

circumstances of the site have been considered from an environmental effects and policy perspective and in my view such an inclusion is appropriate.

245. For the reasons discussed above, I consider PC45 to be consistent with the relevant zone and precinct provisions of the AUP(OP).

### **6.8 Auckland Plan 2050**

246. Section 74(2)(b)(i) of the RMA requires that, in considering a plan change, a territorial authority must have regard to plans and strategies prepared under other Acts.

247. The Auckland Plan prepared under section 79 of the Local Government (Auckland Council) Act 2009 is a relevant strategy document that Council should have regard to in considering PC45, pursuant to section 74(2)(b) of the RMA.

248. The statutory report considers the Auckland Plan 2050 and its development strategy from paragraph 225. The statutory report notes:

*...A key component of the Auckland Plan is the Development Strategy which sets out how future growth will be accommodated up to 2040. In terms of quantity of developable land, the Development Strategy aims to provide for up to 70 per cent of growth within existing urban areas and up to 40 per cent outside of urban areas including greenfield areas, satellite towns and rural and coastal towns. It is noted that the Development Strategy identifies Clevedon as a rural settlement sequenced for growth in the 2012 - 2017 timeframe.*

249. The application goes on to make the case that there is demand for RCLZ land at the plan change location and that PC45 is consistent with this development strategy by providing opportunity for growth (albeit limited) in a manner that minimises land fragmentation and allows productive rural activities to continue.

### Comment

250. I agree that PC45 is broadly consistent with the development strategy, primarily because it is a relatively small extension to an existing growth orientated precinct for Clevedon Village. Upon development, a feasible subdivision and land use scenario is capable of maintaining areas of rural production, manage discharges, and remediate some of the ecological degradation of historic land uses.

251. For the reasons stated in paragraph 196 of this report, my view is that the approach taken to deriving demand of RCLZ land around Clevedon Village is not conclusive for this site but does provide some basis to consider growth in the wider area during a macro- level planning process.

252. The Auckland Plan contains the following directions and focus areas of key relevance to PC45:

*Develop a quality compact urban form to accommodate Auckland's growth (Places and Homes - Direction 1)*

*Use Auckland's growth and development to protect and enhance the natural environment (Environment and Cultural Heritage - Direction 3)*

*Protect Auckland's significant natural environments and cultural heritage from further loss (Environment and Cultural Heritage - Focus area 4)*

253. The plan change is broadly consistent with the directives of the Auckland Plan and meets transport directions in the plan insofar as the apply to rural land uses.

## **6.9 Any relevant management plans and strategies prepared under any other Act**

254. Other relevant plans and strategies to be considered under Section 74(2)(b)(i).
255. The statutory report has considered other strategic Council plans from paragraph 235 where they identify the Future Urban Land Supply Strategy, Supporting Growth – Delivering Transport Networks, and the Auckland Transport Alignment Project as relevant to the plan change.

### Comment

256. The plan change area is located within the Franklin Local Board area, and therefore the Franklin Local Board Plan 2020 is of relevance to PC45.
257. There are six outcomes of the plan as follows:
- Outcome 1: Our strengths generate local opportunity and prosperity
  - Outcome 2: Improved transport options and fit for purpose roads
  - Outcome 3: Fit for purpose places and facilities
  - Outcome 4: Kaitiakitanga and protection of our environment
  - Outcome 5: Cultural heritage and Māori identity is expressed in our communities
  - Outcome 6: A sense of belonging and strong community participation
258. I consider PC45 to be largely consistent with these outcomes, as the location of the RCLZ is in close proximity to Clevedon, an established rural village, facilitating a degree of economic development in the area. The site can be developed in a manner that retains the local character and allows mana whenua to exercise of kaitiakitanga (guardianship over natural and physical resources).
259. The proposal does not respond strongly to the transport outcomes of the local board plan, particularly the provision of multi-modal and public transport options to future residents. It does not however result in an unsafe transport environment.

## **7. ANALYSIS OF THE SECTION 32 EVALUATION PROVIDED BY THE APPLICANT**

260. Section 74(1)(e) requires that a plan change must have particular regard to an evaluation report prepared in accordance with Section 32.
261. Section 32 requires an evaluation report examining the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act, and whether the provisions are the most appropriate way of achieving the objectives. The section 32 evaluation should contain a level of detail that corresponds to the scale and significance of the proposal (s32(1)(c)).
262. The applicant has prepared an assessment against Section 32 from paragraph 259 of the statutory report.

### Comment.

263. The statutory report identifies the relevant objectives of the AUP(OP) are for the RCLZ, the Clevedon Precinct and the Auckland-wide provisions as the relevant provisions of the

existing plan. The objectives of the RCZ are also relevant to the proposal and have been discussed in section 6.7 of this report.

264. The statutory report provides an analysis of three options as is required under section 32(1)(b) of the RMA and includes the economic costs and benefits as far as they can be practically ascertained.
265. The option analysis does not consider the option of rezoning and applying the precinct without an amendment to the precinct provisions to make a special exemption of Lot 1 DP 146882 from the density and minimum site size provisions. This matter is largely covered under Option 2 so the section 32 analysis does not need to be updated in my opinion.
266. There is not a summary of all advice received from iwi authorities under the relevant provisions of schedule 1 and a response to that advice (section 32(4A)). On this point I note that advice from Ngāi Tai ki Tāmaki included in the plan change proposal has been provided with respect to the subdivision and land use concept, but not on the plan change itself which could enable a variety of development outcomes. As discussed at paragraph 161 of this report, as the development concept represents a maximum level of development for the site, I consider this distinction is not significant and the section 32 analysis does not need to be updated.
267. Overall, I consider the Section 32 evaluation report provided by the applicant has been completed to a level of detail corresponding to the scale and significance of the proposal and sufficiently demonstrates that the proposed zoning split and precinct extension is the most appropriate way of achieving the objectives of the AUP(OP).

## 8. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

268. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the Plan Change, taking into account clauses 6 and 7 of Schedule 4 of the RMA.
269. An assessment of actual and potential effects on the environment (“**AEE**”) is included in the Plan Change request and supporting documents. The submitted Plan Change request identifies and evaluates the following effects:
  - Landscape Character Values
  - Rural Character and Amenities
  - Visual Amenities
  - Natural Character
  - Ecology and Biodiversity
  - Reverse Sensitivity
  - Productive Potential
  - Natural Hazards
  - Soil Contamination
  - Earthworks

- Transportation and Traffic
- Stormwater Management
- Infrastructure
- Archaeology and Heritage
- Positive Effects

270. I agree that these encompass the spectrum of anticipated environmental effects associated with this plan change.

271. A review of the AEE and supporting documents, taking into account the further information provided pursuant to Clause 23 to Schedule 1 RMA, is provided below. A copy of the proposed subdivision scheme plan is included as **Appendix 11** of this report.

### **8.1 Landscape and visual effects**

#### Application

272. Landscape character values, rural character and amenity, and visual amenity are addressed in paragraphs 90 to 114 of the statutory report and in the Landscape Visual Assessment prepared by Greenwood Associates Landscape Architecture Ltd and dated 7 November 2019, provided as Appendix 13 to the application.

273. The key conclusions of the application landscape character values are:

- a) *The provision to be made for additional housing will result in a somewhat significant change in the landscape, which is currently open pastureland, transforming the current open rural character at this part of the site to clustered rural lifestyle development. However, the landscape character of the surrounding area is already influenced by such development, which will ensure that the perceived level or extent of change is minimised (paragraph 92).*
- b) *The proposed housing clusters that will be enabled by the rezoning can be appropriately located in the least sensitive part of the landscape, where they are consistent with the existing pattern of development to the west and south-west. The provision made for future subdivision and development at this part of the site in conjunction with the Clevedon sub precinct C standards will ensure that a high-quality countryside living character is maintained at this locality. As such, it is considered the clustered countryside living subdivision and development that will be enabled by the plan change will be consistent with the landscape character values that are prevalent in the surrounding area (paragraph 97).*

274. With respect to rural character and amenity:

- (a) *The assessment has found that the Rural – Countryside Living zoning of the properties on the northern side of Clevedon-Kawakawa Road, directly to the west of the site, has already influenced the rural framework of this area. This has cemented in place a rural – residential or lifestyle character within the surrounding area, which is also prevalent on the plan change site, given the presence of the lifestyle sites clustered directly adjacent to the existing Rural – Countryside Living Zone to the east. This provides an opportunity for the plan change site to be further integrated into this environment through utilisation of those parts of the site that are located outside of the floodplain for clustered countryside living (paragraph 99).*

- (b) *The assessment has found that any potential for adverse effects on the rural character and amenity of the surrounding area can be appropriately offset through the use of restoration and amenity planting at the time of development. Such restoration and amenity planting is proposed as part of the subsequent resource consent application and the use of such planting to provide for mitigation of any potential for adverse effects on rural character and amenity values is explicit in the assessment criteria for both the Countryside Living Zone and the Clevedon sub precinct C... (paragraph 100).*

275. Effects on Visual amenity are assessed as follows:

- (a) *...The assessment has found that the combination of the low topography and the existing mature shelterbelts makes the site difficult to identify throughout the visual catchment. Due to the flat topography of the Clevedon area, the visual access is limited to the properties that are located directly adjacent to the plan change site. The pockets of vegetation on the Wairoa River flood plains further decreases the visual catchment of the plan change site, particularly from the northern side of the Wairoa River (paragraph 104).*
- (b) *The assessment identifies the public and private viewing audiences for the plan change site. The public viewing audience is limited to views when driving along either Clevedon-Kawakawa Road or along North Road. There are minor views available from properties along North Road, with all views being partial, and the closest being 512 metres from the site. Although several dwellings to the south overlook the property, the assessment considers that the visual captivation is focused further to the northern coastal edge, reducing the impact of any future development on the site. As the site is located lower than the surrounding area, it will not be in the main view from the majority of the houses which overlook the site to the north, from their higher elevation within the foothills on the southern side of Clevedon-Kawakawa Road (paragraph 105).*
- (c) *The visual assessment has found that overall the potential for adverse visual effects associated with the level of change that will be enabled on the plan change site as a result of the requested rezoning to be less than minor. Despite the introduction of built form into the site and the surrounding rural area as a result of the enablement to be provided for the eleven new dwellings, the combination of the effective planting and design mitigation, building layout and reduced earthworks that is anticipated to form part of any future development proposals, means any future subdivision and development represents an appropriate use of the land... (paragraph 110)*

276. In relation to natural character:

- (a) *The Landscape Visual Assessment has also assessed natural character. The assessment has found that the plan change site has low amenity values and low natural character values, as all significant vegetation has been removed as a result of the past conversion to pasture. The only vegetation that provides any ecological value is limited to the mangroves on the northern boundary of the site with the Wairoa River. The site is currently used solely for pastoral grazing purposes. The open grasslands of the site blend with the wider rural areas, as the land use is mostly small-scale pastoral farming, or rural residential and lifestyle land holdings (paragraph 112).*
- (b) *The assessment considers that while there would be an overall loss of natural character as a result of intensification of rural living in the south-western portion of the site, the extensive native revegetation that is likely to form part of the future*

*subdivision and development, as directed by the AUP (OP) objectives and policies and assessment criteria, would enhance habitat values for native species and will improve the quality of stormwater run-off to the Wairoa River in comparison with the existing land use (paragraph 113).*

#### Council expert review

277. Landscape character and visual effects have been reviewed for the Council by Mr Rob Pryor, Registered Landscape Architect, LA4 Landscape Architects Limited. His comments are attached as **Appendix 5** to this report.
278. Mr Pryor's peer review arrives at the following conclusions with respect to landscape character and visual amenity:
- a) *In my opinion, development enabled by the PPC resultant from the introduction of built form into the site and the surrounding rural area is an appropriate use of the land within the context of the site and surrounding area. In relation to visual amenity effects, the visual change from a more open rural context to a more developed countryside living context will be generally consistent with the land use type and density of the countryside living activities that already exist within the surrounding area (paragraph 5.1).*
  - b) *... The area encompasses a variety of rural lifestyle development from small residential type to larger farmlet type sites characterised by low-density living at the rural edge of the Clevedon Village (paragraph 5.2).*
  - c) *For the most affected viewing audience I consider that the proposed landscape initiatives and design guidelines (outlined in the following section) and the Countryside Living Zone and the Clevedon sub-precinct C provisions of the AUP (OP) will ensure that an appropriate visual outcome is achieved on the plan change site. These provisions and initiatives will ensure that any adverse visual amenity effects of development enabled by the PPC will be mitigated to an appropriate level (paragraph 5.4).*
  - d) *In terms of landscape character effects, the site is not high in landscape character values. While the openness of the existing landscape would be reduced and a greater level of domestication comprising a clustered rural lifestyle development resultant from the plan change, the potential adverse effects on landscape character would be mitigated by the proposed landscape initiatives (paragraph 5.5).*
  - e) *While there will be a reduction in the landscape character values of the site through development enabled by the plan change, I am of the opinion that overall an appropriate level of landscape character would be achieved through a suitable balance of clustered countryside living development, open space areas and indigenous revegetation planting throughout the site (paragraph 5.6).*

#### Comments

279. I have visited the site although I have not been to all the vantage points assessed by the specialists. Site visit photos are included in **Appendix 7** of this report.
280. I agree with Mr. Pryor regarding the mix of land uses in the area, particularly adjoining Clevedon-Kawakawa Road, has the context of rural transitioning to countryside living. The area is sparse of significant vegetation and has an open character down to the river.



281. I also agree with the comments of the applicant's specialist at paragraph 5.8 of their landscape visual assessment that the dwellings will be located on 'the least sensitive part of the landscape' and that 'the revegetation of the boundaries and internal pockets of the site with indigenous plants will provide an increased amenity, habitat and landscape connection to the surrounding hills and Wairoa River at the base of the site'. This is important because it addresses the balance being struck between countryside living and the maintenance and enhancement of the coastal character.
282. Prior to mitigation being established, in my view, the clustering of dwellings will significantly increase the amount of built form perceived from surrounding viewpoints of the site, particularly with respect to development on the knoll and from viewpoints to the east (refer to figure 1 of **Appendix 7** – site visit photos). This effect is also apparent with the existing development immediately to the west of the plan change site at 252 Clevedon-Kawakawa Road which currently has minimal vegetation (refer to figures 9 and 10 of **Appendix 7**). This initial increase in built form is also acknowledged in paragraph 101 of the statutory assessment.
283. Over time, however, as landscape initiatives establish and in conjunction with design guidelines proposed by the applicant, I agree with Mr. Pryor that it is possible to appreciate a landscape and visual amenity more akin to that which is envisaged by the precinct and will also not degrade the coastal environment. The precinct, RCLZ and RCZ provisions have the scope and provide the direction to achieve such an outcome during subsequent resource consenting processes.
284. With respect to these matters, I rely on the evidence of the Council's landscape expert and consider the effects of rezoning and subsequent likely development can be mitigated so as to be considered no more than minor on the coastal character and an appropriate visual transition to the built form of Clevedon Village.

## 8.2 Ecology and Biodiversity

### Application

285. The applicant has provided an Ecological Assessment from 4Sight Consulting Ltd which has considered any ecological effects as a result of the requested plan change and the restoration opportunities for the plan change site.
286. The ecological assessment notes that:
- a) *...A Significant Ecological Area (SEA) is located at the northern end of the plan change site along the Wairoa River. However, this SEA is located some 550 metres from that part of the site that is located outside the flood plain where the future countryside living subdivision and development will be enabled by the plan change request. As such, there is minimal potential for any future subdivision and development to adversely affect the biodiversity values associated with the SEA and the wider Wairoa River coastal ecosystem (paragraph 115).*
  - b) *The assessment has found that the ecological values present on the site are negligible. As such, the overall ecological impacts from the subdivision and development that will be enabled by the requested rezoning will be very low...(paragraph 116).*
  - c) *The assessment has indicated that there is potential for positive effects as part of any future subdivision and development on the site through the implementation of the identified enhancement opportunities (shown in Figure 4: Potential Restoration Area, in the Plan Change Request), such as wetland and riparian restoration,*

*inanga spawning habitat creation and improvement to fish passage. The report considers that the implementation of these ecological enhancement opportunities at the time of subdivision and development of the site would result in a net ecological gain...(paragraph 116).*

#### Council expert review

287. Ecological and biodiversity effects have been reviewed for the Council by Mr Carl Tutt, Ecologist, Auckland Council, attached in **Appendix 5** to this report.
288. Mr Tutt makes the following observations:
- a) *The analysis provided by the applicant is appropriate for the proposed level of effect. The ecological enhancement locations are along waterbodies downstream of the proposed plan change location (paragraph 4.1).*
  - b) *Detail has been provided in the ecological report demonstrating how the ecological enhancement can be achieved and the positive environmental benefits of this restoration. These enhancements are dependent on the following.*
    - i. *Securing approval for proposed restoration areas not owned by the applicant and identifying mechanisms to protect all restoration areas in perpetuity.*
    - ii. *Upgrading of flood gate assets which are not on the applicant's property and currently block fish passage to devices which do not block fish passage (paragraph 4.3).*

#### Comments

289. Mr Tutt agrees that mitigation to achieve improved ecological outcomes on the PC45 site is possible, although there are matters of detail to work through with Council regarding works on the Clevedon-Kawakawa Road Esplanade Reserve.
290. Ecological restoration and stock exclusion performs a number of functions with respect to this site. It enhances water quality and riparian habitat, as well as improves the coastal environment of the site. These policy directions are provided in the AUP(OP) and can be considered during subsequent resource consenting processes.
291. Based on the recommendations of Council's expert, I consider that the rezoning will not preclude, but rather promote positive ecological outcomes for the subject site.

### **8.3 Reverse Sensitivity**

#### Application

292. The private plan change has assessed the likely reverse sensitivity effects arising from the proposed plan change. The consideration of a bespoke rule in the Clevedon Precinct was raised through a clause 23 further information request. The statutory report notes that:
- a) *...The types of rural lifestyle uses that surround the plan change site have limited potential to result in nuisance type effects on the new lifestyle living activities. As such, there is limited potential for reverse sensitivity effects to occur on established rural activities as a result of the introduction of new countryside living activities into the area. Any potential for adverse effects will be mitigated by the buffer planting that will likely occur as a result of the future subdivision and development of the land (paragraph 123).*

*b) It is however acknowledged that the site is located within a productive rural area, where agricultural management practices such as agrochemical spraying, use of farm machinery, the operation of bird scarers and other similar activities may occur in the future. It is therefore possible that future countryside living residents could complain about such activities... The potential for such complaints to adversely affect permitted rural activities can be managed using 'no complaints covenants' at the time of subdivision where considered necessary (paragraph 124).*

#### Comments

293. The matter of reverse sensitivity has been raised by one submitter, J. Martin, with respect to a mechanical business at 294 Clevedon-Kawakawa Road.
294. The type of activity undertaken by Mr. Martin is akin to a rural commercial service which is anticipated in the RCZ. Noise levels do however apply throughout the region with respect to rural land as stated in Tables E25.6.3.1 and E25.6.3.2 of Chapter E25 Noise and Vibration of the Auckland-wide provisions. While exemptions are made for the use of agricultural and horticultural equipment in use, this do not apply to a machinery business.
295. The noise differential between the standards of the RCLZ and RCZ is 5db in most cases (55dB at the boundary of the RCZ compared to 50dB at the boundary of the RCLZ as an example). I understand this 5dB to be a perceptible difference but not significantly so.
296. In paragraph 124 of the statutory report, the applicant suggests a management approach for addressing reverse sensitivity through a 'no complaints covenant'. This would more appropriately be addressed at the time of subdivision consent when these matters can be assessed, and covenants can be placed on property titles if necessary.
297. Ongoing productive rural activities on the balance lot have the potential to generate reverse sensitivity effects, however the elevation of the land, on site planting, and the low intensity of rural production activities may serve to alleviate such effects. Otherwise, a consent notice may be appropriate.
298. Ultimately, the AUP(OP) anticipates RCLZ to interface with the RCZ and the Clevedon Precinct enables clustering to maintain the productive potential of balance lots. Policy direction exists to consider these matters in the design and layout of subsequent development.
299. For the purposes of PC45, I consider that the appropriate policy direction and mechanisms are in place to address potential reverse sensitivity effects arising from the proposed split zoning.

#### **8.4 Productive Potential**

##### Application

300. The productive potential based on the soils identified on the site has been addressed in the Land Use Capability Report prepared by The Agribusiness Group, which in turn relies on the recommendations of Dr. D Hicks with respect to soils and land use capability. Both reports are attached to the application as Appendices 9 and 11.
301. Further information was sought from both Dr. Hicks and the Agribusiness Group by Council experts through a clause 23 request. This request primarily centred on recent Environment Court evidence provided by Dr. Hicks on land use capability (Self Family Trust vs Auckland Council) and the extent to which all Land Use Classification 2 and 3 soils might meet the definition of 'prime soils' in the AUP(OP). This further information was provided in full and is attached to **Appendix 4** of this report.

302. The statutory report addresses productive potential from paragraph 125 and concludes the following:

*...the soils assessment has identified that some 6.03 hectares (11%) of the site meets the AUP definition of prime soil. The countryside living activities enabled by the proposed rezoning would be located on some 4.65 hectares of these prime soils, as this is the area of the site that is located outside of the floodplain... (paragraph 126).*

*...the Land Use Capability Report concludes that the proposed rezoning would not compromise the capability of the prime soils located on the property for vegetable production as there are only small, isolated areas of such soils found on the property, which are not sufficient in size to be viable for a food growing operation. The limited value of this land for intensive rural production also means that the requested rezoning would not compromise the direction to recognise the productive potential of land that does not contain elite or prime soils. Overall, the potential for adverse effects on the productive potential of the land resource located within the property as a result of the land use change that will be enabled by the requested rezoning will be minimal (paragraph 130).*

303. In response to the further information request, Dr. Hicks provided the following comments:

*Auckland Council's LC3 comment is simply incorrect where it states (in third column) that my evidence in the Self Family Trust versus Auckland Council hearing "makes a contrary conclusion regarding the classification of LUC 3". It is correct where it asserts (in fourth column) that "Dr. Douglas Hicks previously regarded land containing prime soils as both LUC class 2 and 3 land" (I still do), but mistaken where the comment "arguably implies that any soil occupying LUC class 2 and 3 land falls within the definition of prime soils".*

*My soil and land use capability map for 278 Clevedon-Kawakawa Road is entirely consistent with the SFT v AC appeal evidence and subsequent court decisions. My accompanying report identifies several areas of LUC 3 land as prime because they have well-structured volcanic soil although at risk of topsoil erosion (if cultivated). They happen to be small (collectively 6.03 hectares). The report identifies numerous areas of LUC 3 land as other (i.e. "not prime") because they either have shallow volcanic topsoil (re-deposited by runoff) over buried old alluvial subsoil (seasonal wetness in the weathered clay limits cultivation and crop growth), or shallow alluvial topsoil (deposited by floodwater) over buried old alluvial subsoil (flood risk is an additional limitation). These areas are collectively large (35.1 hectares).*

*For further explanation of why not all the soil within LUC 2 or LUC 3 land is prime, Auckland Council staff could read an information note (Definitions of elite and prime soil in the Auckland Unitary Plan) supplied to its Research and Evaluation Unit in July 2019...*

#### Council expert review

304. The matter of soil productivity on this site has been reviewed on behalf of Council by Dr. R Hill from Landsystems Limited. His recommendations are included as **Appendix 5** to this report. A Council expert has not been engaged to consider the land use potential evidence of The Agribusiness Group although Dr. Hill does make some observations around the utility of land for productive rural activities raised by the Agribusiness Group.
305. In section 4 of his recommendations, Dr. Hill concludes the following in response to the comments of the Agribusiness Group (Mr. S Ford):

*I am not entirely in agreement with this use of a 50ha block size area to determine the productive potential of the land in question. However, I do acknowledge that the range*

*of horticultural uses is somewhat reduced... Although large scale efficient commercial vegetable production operations may require 50 ha for efficiency, areas of land in the Auckland region of less than 50 ha have been in horticultural use for many decades. In a survey of outdoor vegetable growers in Pukekohe, the total effective vegetable growing area for those that responded to the survey ranged from as low as 12 ha to 170 ha, and a regional average of 35 ha was also referred to. Furthermore, there is no way to predict the future viability of different sized land options, with the exception that the subdivision of these areas would almost certainly render them unavailable for any potential future productive uses.*

306. In response to the assessment of Dr. Hicks, Dr. Hill states the following:

*... there is no land containing elite soil in the subject area. Therefore, no elite soils will be impacted by the subdivision and development enabled by the proposed plan change.*

*Based on my re-assessment of Dr Hicks data and my interpretation of the AUP definition of land containing prime soil, I agree that the areas of land containing prime soil total 6.03 hectares (11.6 %).*

*Based on my re-assessment of Dr Hicks data and my interpretation of the AUP definition of land containing prime soil, I agree that the remaining areas combined, total 45.97 hectares (88.4 %) of the subject area and are classed as land containing other soil.*

*I acknowledge that subdivision will result in the loss of land containing prime soil and will contribute to the ongoing fragmentation of productive land in the Auckland region. However, given the size and location of the land containing prime soil for the given site, and the reduced productive land use options for the land, I do not consider this loss a significant effect with regard to productive soils.*

*I conclude that PC45 does give adequate effect to the AUP and the requirement to retain land containing prime soil.*

#### Comments

307. The soil productivity on the plan change site is central to the consideration of its productive rural use. The policy direction of the AUP(OP) is to *protect* land containing elite soils to maintain its capability, flexibility and accessibility for primary production; and *manage* land containing prime soils for the same purpose (Chapter B9 – Objectives B9.3.1(1) and (2)). As has been discussed elsewhere in this report, significant pressure is placed on rural areas of the Auckland Region due to the outward expansion of non-productive rural land uses.
308. While there is some dispute between the respective experts regarding the productive rural utility of smaller lots, they are in general agreement regarding the extent to which high quality soils are present on the plan change site. The small and isolated nature of the prime soil on the site reduces its productive land uses options to such an extent that its partial loss to countryside living development is not considered significant. The balance of the lot, including approximately 1.3ha of the 6.03ha of prime soil present will remain available for productive rural uses.
309. On this basis, I consider the potential adverse environmental effect of PC45 on the productive potential of the immediate area or the wider Clevedon area to not be significant either individually or cumulatively.

## 8.5 Natural hazards

### Application

310. Adverse effects arising from Natural Hazards has been addressed from paragraph 131 of the statutory report. The assessment relies on an Engineering and Infrastructure Assessment Report prepared by Lands and Survey, primarily to support a resource consent application.
311. The statutory report notes the following:

*The rezoning approach has considered the constraints and risks posed by the floodplain, flood prone areas and overland flow paths. This has resulted in only those parts of the plan change site that are substantially located outside AEP 1% floodplain, coastal inundation areas and flood prone areas being included in the area that has been requested to be rezoned Rural - Countryside Living and included in Clevedon sub precinct C. This provides the opportunity for all future indicative building areas within the countryside living lots to be created by future subdivision to be located outside of the floodplain, coastal inundation areas and floor prone areas. The area requested to be rezoned also provides the opportunity for the future indicative building areas to be located clear of the identified overland flow paths (paragraph 133).*

*Overall, there will be suitable areas for future development provided within the area that is requested to be rezoned Rural – Countryside Living and included within Clevedon sub precinct C that are located outside of the 1% AEP flood level, coastal inundation areas and flood prone areas. The future indicative specified building platforms and wastewater disposal areas can be located above the 1% AEP flood level and can be provided with a 500mm freeboard. As such, any potential for adverse flooding effects on dwellings constructed in the future within the area proposed to be rezoned will be minimal (paragraph 137).*

*Any potential for adverse effects can be avoided, remedied or mitigated by requiring all dwellings to have an RL4.9m at the time of development. This can be secured through an appropriate condition of consent and the issue of a consent notice specifying the required condition at the time of subdivision and development. The Infrastructure and Engineering Assessment Report has also confirmed that flood free access (water depth less than 200mm across the road during the 1% AEP event) can be provided to all the areas located outside of the floodplain that will be available for development as a result of the requested rezoning (paragraph 138).*

*The Engineering and Infrastructure Assessment Report has also confirmed that indicative specified building areas can be located outside of the overland flow paths identified on the site. At the point of discharge from the site, there will effectively be no change to the nature of the overland flow passing from the site into the downstream receiving environment. The future development enabled by the proposed rezoning can therefore maintain the function of the overland flow paths to convey stormwater runoff safely from the site to the receiving environment (paragraph 139).*

312. Further information was sought by the Council experts in relation to stormwater and flooding matters. A matter raised was to seek justification/rationale for why development in areas subject to natural hazards flooding could not be avoided entirely. This further information was provided in full and is included in **Appendix 4** of this report.

### Council expert review

313. The matter of natural hazards has been addressed by three Council experts, Mr I. Jayawardena and Ms Z. Qian from Healthy Waters, and Ms N. Carpenter from

Engineering and Technical Services. These recommendations are included in **Appendix 5**. Mr. Newsome, Council's Development Engineer, also makes some comments with respect to flooding in his recommendations.

314. The experts from Healthy Waters make the following observations with respect to natural hazards:

*It is considered that PC45 development will not change the extent and velocity of floodwater within the 1% AEP floodplain. The proposed building sites, wastewater disposal fields and the main access road will be located within the land above the 100-year ARI flood plain (Figure 2). Given the scale of development proposed in PC45, it will not adversely exacerbate the peak floodwater from the large upstream catchment. However, some portion of the proposed future lots will still be affected by the flood plain. The northern eight future lots proposed will be surrounded by floodwater, creating an island feature on the PC 45 land in a 100-year storm event (paragraph 2.3).*

*It is proposed that OLFP conveyance within the precinct will be achieved within the proposed driveways and existing streams or farm drains. These flow paths/farm drains/streams need to be clearly mapped for both the pre- and post-development plans and consents will be required under the relevant AUP provisions for any reclamation and/or diversion of entry or exit points. It is assumed that any relevant associated design requirements for aspects such as piping of overland flow paths or minimum freeboard requirements outlined within Auckland Council's Stormwater Code of Practice will be complied with. Therefore, any adverse environmental effects on OLFPs can be assessed in detail at the resource consent stage (paragraphs 2.9 and 2.10).*

*Given that the climate is changing, PC45 should consider potential hazards and the unpredictability of uncertain climate change effects and not encourage subdivision, use, and development within land subject to such adverse impacts. Chapters B9.4 and B10.2 of the RPS also emphasise the need for managing land use in response to climate change effects while determining the risk and resilience of the environment and its communities (paragraph 4.23).*

*The supporting information for the plan change request has assessed the peak flood level of the 100-year ARI storm event and set up the proposed building finished floor level and main access road to be above the 100-year flood level. However, in extreme storm events, the proposed future residential dwellings will be surrounded by floodwater like a small island. The applicant has not sufficiently assessed the effects of the proposed development on the environment in terms of stormwater quality treatment, contaminants discharge, stream and soil erosion (paragraph 6.2).*

*Regarding nuisance flooding and flooding risk, I agree that PC45 will not further exacerbate flooding on the 1% AEP flood plain. From a technical engineering perspective, I consider the scale of the development and the site's location at the bottom of a large catchment. PC45 will not further exacerbate flooding effects on the surrounding 1% AEP flood plain. It is proposed that future habitable building platforms, including the shared driveway, could be designed on the 1% AEP flood plain with climate change to provide the minimum freeboard requirements. However, the AUP does identify residential dwellings as land use activities vulnerable to natural hazards and there are likely impacts on livelihood as the floodplain can inundate (paragraph 6.3).*

*As discussed in previous sections, the surrounding environment of PC45 being 1% AEP flood plain, and the Coastal inundation 1 per cent AEP plus 1m Control – 1m sea-level rise, the downstream catchment is known to have exacerbated the natural hazard flooding effects on the subject site and within the neighbouring properties. Continuing to allow more dwellings to what is provided for in the Rural Countryside Living zone in*

areas subject to natural hazards will compromise the safety of future communities and properties. Therefore, I do not think PC45 is consistent with the AUP policy direction, particularly Chapter E36 (paragraph 6.4).

*It is acknowledged that RPS Policy B10.2.2 (6) particularly directs a precautionary approach to decision making where the use and management of land use are potentially vulnerable to effects of climate change and natural hazard. As per this policy reference, there is reason to believe that any adverse effects that may arise from a proposed activity and those potential effects cannot be fully assessed due to inadequate information or uncertainty around understanding these effects on the property, community, infrastructure, and the environment. I am of the view that PC45 does not contain sufficient information to recognise these effects as there are some uncertainties around the likelihood of impacts from these natural hazards and climate change (paragraph 6.7).*

315. Comments around the avoidance of natural hazards have also been raised by Ms. Carpenter:

*Overall, the RPS presents a hierarchy of 'avoid, remedy, mitigate' adverse effects. In my view, the upzoning of land surrounded by the coastal inundation and flood plain plus climate change effects, as proposed by PC45 is not consistent with this policy direction. It will create an island of more vulnerable development that will potentially be isolated by or exposed to flood events and climate change effects over time of increasing magnitude and frequency (paragraph 4.11).*

*In my view, the above policy also directs the adequate consideration of sea level rise greater than 1m given the new and ongoing risks associated with greenfield development. The MfE Guidance (2017) categorises greenfield development in 'Category A' when considering minimum transitional allowances for future sea level and scenarios for use in planning. Under Category A the recommended response is 'Avoid hazard risk by using sea-level rise over more than 100 years and the RCP H+ Scenario'. Based on current sea-level rise projections for New Zealand this would promote total sea level rise figures of 1.36m to 2120 and 1.52m to 2130 be considered within such land use planning. These total rates are significantly greater than currently allowed for within the coastal inundation and flood plain with climate change modelling considered within PC45 (paragraph 4.13).*

316. The relevant comments of Mr. Newsome are as follows:

*The flood assessment aligns with the Councils GIS assessment of predicted flooding and adequately takes account of projected 100-year sea level rise. A generous 500mm freeboard is also proposed for buildings which is easily achieved with the existing site levels.*

*The majority of the development area is positioned on a flood-free area of the property, with all proposed building sites and effluent disposal field areas in particular elevated above predicted flood levels. Proposed earthworks to create the main driveway will also ensure that there is always flood-free access to and from the Clevedon-Kawakawa Road for all sites.*

*I consider that the runoff from this development will have no measurable effect on flood levels in the greater catchment area. In this regard, regular flooding of the Wairoa River that is experienced is principally a natural process in a largely rural area. The runoff from the rural countryside creates the bulk of the flood waters, and when this is coupled with major sea level and tidal effects on the lower-lying land, is an overwhelming*



*historical process that is not particularly influenced by such sparse housing development (section 2.0).*

### Comments

317. This matter has been previously discussed in section 6.4.2 of this report when discussing the New Zealand Coastal Policy Statement, and again in section 6.6.8 when considering the environmental risk provisions of the RPS.
318. Fundamentally, the Council experts agree that the land to be developed is outside the natural hazard risk areas identified in the AUP(OP), those being the 1%AEP Flooplain and the 1%AEP plus 1m sea level rise extent for coastal inundation (refer to Figure 8).
319. They also agree that while engineering solutions are possible to avoid the natural hazards as they are currently understood, uncertainty exists as to the magnitude of these events over time and how the confluence of a coastal inundation and flooding event may affect the subject site. The plan change will enable more vulnerable activities to locate near known natural hazards.
320. Relying on the evidence of the Council experts and considering the policy direction in the NZCPS to take 'at least a 100-year timeframe', it is my view that the act of providing for more dwellings on the subject site carries with it an element of increased risk, and therefore of adverse effect. It cannot be said every natural hazard scenario is avoided by the concept design.
321. Chapter 36 of the AUP(OP) quantifies what is acceptable risk in the Auckland Region, thereby providing a reference to consider likely adverse environmental effects. Policies E36.3(3), (5), (9) and (16) provide direction in how risk can be avoided or mitigated. The applicant has demonstrated PC45 can be developed in a manner which avoids these hazards, therefore minimises the risk and potential adverse effects.
322. The IHP observed that the RMA is not a 'no risk statute'<sup>47</sup>. The opportunity is provided in the AUP(OP) to avoid or mitigate the adverse effects of known natural hazards through the demonstration of appropriate design solutions.
323. The Council experts agree that design solutions exist to avoid or mitigate the inundation extent as it is current known over a 100-year timeframe. Therefore, the potential natural hazard effects associated with PC45 and its subsequent design are assessed as being no more than minor.

## **8.6 Geotechnical**

### Application

324. The applicant has engaged KGA Geotechnical Limited to complete a geotechnical review of the proposed plan change and this is included in Appendix 4 of the application. The application notes the following:

*The preliminary geotechnical assessment has confirmed that based on the review of the available geotechnical information and the initial site investigations that the site will generally be suitable for the subdivision and development that will be enabled by the*

<sup>47</sup> Report to Auckland Council on hearing topics 022 Natural Hazards and 026 General - others. Section 3.2.

*proposed rezoning and the subsequent construction of dwellings on the site (paragraph 142).*

*KGA consider that the risk of deep-seated widespread slope instability impacting on the future development of the site will be non-existent. KGA also expect there will be no settlement issues for the future development of the site. KGA are of the view that subject to their recommendations, provided that any construction works and drainage works are carried out in accordance with NZS4404: 2004, "Land Development and Subdivision Engineering" and Council standard specifications, the land located outside of the floodplain should generally be suitable for conventional light timber framed dwellings constructed in accordance with the requirements of NZS3604:2011 "Timber Frame Buildings", subject to the usual considerations such as proximity to service trenches and / or the presence of expansive soils (paragraph 143).*

*Overall, the assessment completed by KGA does not identify any significant geotechnical issues that may be associated with the site, or specific measures that need to be put in place, other than good construction practice with an appropriate level of monitoring by a competent engineer or engineering geologist, and appropriate site-specific investigation and design at the building consent stage (paragraph 147).*

325. Further information was sought by the Council experts regarding lateral spread and seismic site subsoil category. This was provided by the applicant's specialist in full after further discussion with the Council expert and is included in **Appendix 4** of this report.

#### Council expert review

326. The Geotechnical aspects of the proposal have been reviewed by J. Newsome a Council Development Engineer, and Riley Consultants. Both sets of recommendations are included in **Appendix 5** of this report.

327. Mr. Newsome states the following in section 2 of his recommendations:

*I am satisfied that the geotechnical report submitted provides adequate assurances on the suitability of the property for the development as proposed. The report gives a favourable summary of soil conditions and provides the necessary soil parameters for subsequent building works.*

328. Similarly, Riley Consultants provide the following recommendations under section 3 of their report:

*From our review of the Geotechnical Report provided and the subsequent responses to the queries raised, we consider that the geotechnical investigations carried out to-date and recommendations presented by KGA in relation to the PPC45 proposal are appropriate for the site.*

*We consider that the queries raised regarding the seismic site subsoil category, and effects of lateral spread have been suitably addressed. The information provided indicates that the lateral spread is likely to be consistent with the TC2 category in terms of the MBIE Guidelines. TC2 land does not specifically require ground improvement for it to be suitable for residential development.*

*Further, as discussed in the KGA Geotechnical Report, the calculated liquefaction settlements for a ULS earthquake event are also consistent with TC2 conditions. Accordingly, we consider that the adoption of TC2 type foundations for future dwellings would be reasonable. There are proven foundation solutions available to accommodate the TC2 type liquefaction and lateral spread. We recommend that*

*further investigation and analysis is carried out at resource consent stage, specifically to confirm the KGA recommendations.*

### Comments

329. I rely on the technical recommendations and experience of the Council experts on geotechnical matters and therefore consider the site is suitable to provide stable foundations for dwellings, subject to detailed design at resource consent stage.

## **8.7 Soil Contamination**

### Application

330. The statutory report has provided a Preliminary Site Investigation (PSI) report prepared by 4Sight Consulting. This report investigated the potential for soil contamination in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).

331. At paragraph 152 of the application, the following recommendations are made:

*Based on observations during the site visit and review of background material, it is considered there is no record of HAIL activities that are currently or have previously been undertaken on the area to be developed on the site. In addition, the rest of the site will remain in use as production land. On this basis, the NESCS is not applicable to the proposed change of land use and soil disturbance associated with the future development of the site; and*

*Soils within the area outside of the floodplain to be made available for development by the proposed rezoning have not been subject to HAIL activities, and as such it is considered highly unlikely that contaminants in soil would pose a risk to human health. If soils are to be excavated they are suitable for reuse on the site from a human health risk perspective. If soils are to be disposed of off-site, they would likely be considered as cleanfill, however this should be confirmed through analysis and confirmation with the disposal facility prior to removal from the site.*

332. Further information was sought by Council's expert regarding the scope of the analysis, existing structures, and several other potentially hazardous land uses. This information was provided in full.

### Council expert review

333. Mr. R Burden from Riley Consultants has reviewed the technical information provided on behalf of Council and has provided his recommendations in **Appendix 5** of this report. He draws the following conclusions under section 6 of his report:

*In my opinion the applicant has appropriately assessed the potential effects on the environment of soil contamination related to the proposed private plan change by carrying out a Preliminary Site Investigation (contaminated land).*

*I agree with the applicant's conclusion that there appear to have been no HAIL activities that are currently or have previously been undertaken on the land subject to the proposed plan change and, on this basis, the NESCS is not applicable.*

### Comments

334. I rely on the recommendation of Mr. Burden on this matter and therefore find the effects to be no more than minor.

## 8.8 Earthworks

### Application

335. The statutory report considers earthworks effects from paragraph 155 and includes an Engineering and Infrastructure Assessment Report at **Appendix 5**.

336. The statutory report concludes the following:

*...This assessment has indicated that any future earthworks required to implement the subdivision and development that will be enabled by the proposed rezoning will be relatively minimal and within the extent and levels that is to be expected for a subdivision and development of this nature. The report has also demonstrated that any future earthworks can be suitably managed using industry standard construction management practices. More specifically, the report has demonstrated that an appropriate sediment and erosion control methodology will be available to ensure that any potential for the uncontrolled discharges of sediment laden run-off to the sensitive downstream receiving environment of the Wairoa River can be appropriately managed (paragraph 155).*

### Council expert review

337. Council development engineer Mr. Newsome has reviewed the earthworks methodology provided by the applicant and makes the following comments in section 2 of his report:

*The earthworks comprise cut to fill of 5,500m<sup>2</sup> associated with the construction of the shared access road, passing bays, swale drain, vehicle crossing and bin collection area. There is also installation of culverts and network utility connections. Earthworks volumes consist of cutting of 140m<sup>3</sup> and filling of 3,250m<sup>3</sup>, with 3,110m<sup>3</sup> of this being imported onto the site.*

*The earthworks will be situated within a relatively small area, principally associated with the private access roading on a gently sloping part of the property. The majority of the works involve trucking soil onto the property, thus there is effectively no open cut area on site to contend with during adverse weather conditions. There is a very broad buffer area between the work site and the receiving environment of the Wairoa River, associated streams and the coastal marine area.*

*Erosion and Sediment Control will be implemented during the earthworks operation in accordance with industry best practice and the Auckland Council Guideline Document 2016/05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05). I am satisfied that with the site conditions available, and with the mitigation measures proposed, the earthworks operation can proceed safely without any significant adverse effects.*

### Comments

338. I rely on the comments of Mr. Newsome regarding the feasibility of the earthworks methodology for the site and note that controls are in place in the AUP(OP) to appropriately avoid, remedy or mitigate the effects of earthworks on sensitive receiving environments adjacent to waterways. This matter can be considered in detail during a resource consent application process.

## 8.9 Transportation and Traffic

### Application

339. Transport and traffic effects are considered from paragraph 159 of the statutory report. The applicant has engaged Traffic Planning Consultants Ltd to undertake an assessment and that is included in Appendix 7 of the plan change proposal.
340. The report makes the following observations:

*TPC has estimated that the development enabled by the proposed rezoning (11 countryside living lots) will generate a total of 99 vehicle trips daily. Given the low existing traffic volume on Clevedon-Kawakawa Road, TPC are of the view that the traffic generated by the development that will be enabled by the proposed rezoning is not expected to have any significant effects on the operation of the surrounding road network (paragraph 162).*

*...The assessment has also concluded that access can be located on Clevedon-Kawakawa Road with suitable sight distances. As Clevedon-Kawakawa Road is an arterial road, vehicle crossings are managed through the provisions of Chapter E27 of the AUP (OP), and resource consent will be required at the time of subdivision and development for any future access provision. The assessment criteria set out in E27.8.2 of the AUP (OP) will ensure that access is provided to future countryside living activities in manner that avoids, remedies or mitigates any potential fir adverse effects on the transportation environment (paragraph 163).*

341. Further information was sought by the Council expert through clause 23, seeking an assessment of the future transport environment and demonstration of safe access for subsequent development of the site. This was provided in full by the applicant.

### Council expert review

342. The Council engaged the services of Mr. W Edwards from Arrive Ltd to provide expert advice on PC45. This advice is included in **Appendix 5** of this report.

*The applicant has adequately assessed the effects on the transport environment, except for effects on road safety along Clevedon-Kawakawa Road, and the assessment of sight distance at a possible access location (paragraph 7.1).*

*The sight distances available at the proposed access location are less than desired; however, an alternate access location with superior sight distances is available, leading to the conclusion that it is practical to access the land for development in a safe and efficient manner and the assessment of the most appropriate access location can be determined as part of any resource consent for subdivision (paragraph 7.2).*

*The effect of the proposed rezoning on the safe operation of the road network is minor (paragraph 7.3).*

### Comment

343. Council's traffic expert has considered the transport environment and the proposal and has identified a suitable site location for access for likely development following any rezoning of the plan change site. His recommendation is that the alternate access location will mitigate effects on the road network to be no more than minor. I accept these recommendations and note this is a matter than can be considered in detail during resource consent processes.

## 8.10 Stormwater Management

### Application

344. From paragraph 166, the statutory report considers stormwater management with reference to the Infrastructure and Engineering Assessment Report in Appendix 5. The statutory report states the following in conclusion:

*The implementation of a stormwater management approach in line with that detailed in Infrastructure and Engineering Assessment Report will provide for the required level of mitigation to minimise the effects of the subdivision and development enabled by the requested rezoning on the downstream receiving environment in terms of flooding, stream erosion and capacity. The use of swales will also provide for treatment of the runoff in accordance with the ARC TP10 guidance. As such, any potential for adverse effects in terms of the quantity and quality of the stormwater discharged from the plan change site can be appropriately avoided or mitigated at the time of subdivision and development in accordance the Rural – Countryside Zone and Clevedon sub precinct C provisions to a point where such effects will be minimal (paragraph 169).*

345. Further information was sought by the Council expert to address the extent to which stormwater and water quality policies in the AUP(OP) were given effect to by the design. This information was provided in full by the applicant.

### Council expert review

346. Three Council experts have assessed the capacity for the plan change site to appropriately manage stormwater for subsequent development of the site.

347. Mr Jayawardena from Healthy Waters notes at paragraph 2.14 of his memorandum:

*The future development of PC45 is required to obtain a stormwater discharge and diversion consent to manage stormwater discharges from proposed building sites. It is considered that the applicant does not have to provide detailed information at the time of a plan change, and this issue can be addressed at the detailed design and subdivision stage. The AUP Chapter E8 provides provisions for future resource consent applications and this issue can be appropriately assessed at the time of resource consent.*

348. Similarly, Mr. Newsome, Council's Development Engineer concludes in section 2.0 of his report:

*On-site disposal of stormwater is proposed. As all properties will be on tank water supply, these tanks will at times cater for a significant proportion of the rainfall from roof runoff. Water from hardstanding areas (and the inevitable water supply tank overflows) will be directed to detention tanks to cater for the 1 in 10-year return rainfall event. Water from these tanks will be slowly released to level spreaders to return water to overland flow. This methodology is a very practicable solution in such circumstances where there is no stormwater system available and where there is no stream or other such suitable disposal area immediately available to each site. It is considered that this method will be very compatible with the existing land contour which will promote mitigation of effects between respective new lots and adjacent properties. I consider that to a great extent the proposed methodology also recreates the current runoff characteristics of the existing pastureland. Meeting the 1 in 10-year event complies with our servicing requirements for residential development. (Consideration to 1 in 100-year events applies more to the creation of building sites for subsequent construction, and not for servicing.)*

## Comments

349. The recommendations of the Council experts agree with those of the applicant with respect to stormwater disposal. They identify that these matters can be addressed in detail during resource consent processes but agree in principle that stormwater can be appropriately managed on the plan change site. Based on these recommendations, I conclude the effects are no more than minor.

### **8.11 Infrastructure**

#### Application

350. The statutory report addresses this matter from paragraph 170. It relies on the Infrastructure Engineering Assessment Report from Lands and Survey Ltd and an On-site Wastewater Treatment and Disposal Report from KGA Geotechnical.
351. At paragraph 171 of the statutory report, the applicant concludes the following:

*The Infrastructure and Engineering Assessment Report indicates that based on the expected, average occupancy of the future dwellings there will be enough collection area for any individual dwelling to be self-sufficient for potable water usage with only minor requirements for external water augmentation. The On-site Wastewater Treatment and Disposal Report also indicates that future lots can be provided that are adequately sized to provide more than enough area for the discharge of wastewater in accordance with the relevant criteria. The wastewater discharge areas can be located with adequate setbacks from stormwater drains, overland flow paths, steep slopes and above the 100-year flood level. The future primary and secondary disposal areas can also be located clear of excavation or fill areas. As such, the subdivision and development that will be enabled by the proposed rezoning (11 countryside living lots) will be able to be serviced for water supply and wastewater at the time of development in manner that will result in limited potential for adverse effects on the surrounding environment.*

#### Council expert review

352. The suitability of the plan change site to accommodate wastewater infrastructure has been assessed by both Mr. Newsome and Mr. Jayawardena. Both experts are in agreement that wastewater can be accommodated outside of the natural hazard flooding areas.
353. Mr. Newsome states in section 2.0 of his recommendations:

*I have reviewed the supporting information for on-site wastewater disposal for this low-density development. I am satisfied that given the available land area available within each lot which is not affected by flooding, the land contour available and the soil type characteristics, that a suitable on-site treatment and disposal system is workable for each new allotment/building site.*

## Comments

354. In this case I rely on the technical advice of the Council experts and conclude that environmental effects associated with the future provision of infrastructure are no more than minor. Detailed design can be addressed in subsequent resource consent processes.

## 8.12 Archaeology and Heritage

### Application

355. This matter is addressed at paragraph 176 of the statutory report. The applicant notes that:

*There are no known archaeological, heritage or cultural values associated with the area of the site proposed for rezoning. In terms of the wider area, the Wairoa River is of significance to iwi, however the area of the site proposed for rezoning is located some 600 metres from this river...(paragraph 176)*

*The applicant has consulted with Ngāi Tai Ki Tāmaki who have advised that they support the proposed rezoning and there is no requirement to obtain a cultural impact assessment...(paragraph 177)*

### Comments

356. This matter has been addressed to some extent in section 6.6.4 of this report when considering the extent to which the proposed plan change responds to Chapter B6 Mana Whenua of the RPS.

357. Council records indicate the site contains no cultural heritage index places or archaeological sites identified by the New Zealand Archaeology Association. There are also no scheduled heritage items on the subject site.

358. In the case of unidentified archaeology and heritage, the AUP(OP) contains a standard addressing 'accidental discovery' of such material. These standards apply to any land use resource consent to develop the site and will also apply to permitted activities which require ground disturbance.

359. As discussed in section 6.6.4, it is my view that the eight mana whenua groups recognised by Council who have an interest in this area have been provided a meaningful opportunity to engage on this plan change.

360. Ngāi Tai ki Tāmaki has taken up this opportunity and they have written to advise they support the intended development of this site without the need for a cultural values assessment. The letter is included in Appendix 14 of the statutory report.

361. Accordingly, I consider the plan change avoids adverse effects on archaeology and heritage as currently understood for this site. Should culturally sensitive material or archaeology be discovered upon development of the site, mechanisms are in place in the AUP(OP) to avoid, remedy or mitigate these effects.

## 8.13 Positive Effects

### Application

362. At paragraph 178 of the statutory report, the applicant addresses positive effects of the proposal. These are summarised as:

- a) The provision of an additional housing choice close to Clevedon Village;
- b) An increase in the resident population (albeit a small increase) close to the Clevedon village, which will have benefits in terms of the additional custom for businesses in the village, and the increased use of community facilities and services provided within the area;



- c) The restoration of the margins of the Wairoa River through planting with appropriate native species and the exclusion of stock;
- d) A substantial increase in the extent of exotic and native vegetation that is provided within the area.

### Comment

363. In my view, it is appropriate that the positive effects of the proposal are considered and I broadly agree with the matters identified in the statutory report.
364. As discussed at paragraph 251 of this report, I am of the view that the case for a demand for such housing is not conclusive when land exists elsewhere around Clevedon Village for countryside living activities. The assessment, for instance, does not consider the possibility that providing for demand at this location will diminish it elsewhere, either around Clevedon Village or in the wider area.

### **8.14 Conclusion on Environmental Affects Assessment**

Overall, it is my view that the statutory report has accurately and appropriately considered the likely environmental effects arising from PC45 and I consider them to be no more than minor.

## **9. CONSULTATION**

365. Paragraphs 281 to 293 of the Applicant's request document sets out the consultation undertaken by the applicant. It includes a list of neighbouring property owners consulted.

### **9.1 Mana Whenua**

366. The applicant met with with Ngāi Tai Ki Tāmaki on 21 May 2019 on the property at 278 Clevedon-Kawakawa Road. A copy of the letter received from Ngai Tai Ki Tamaki in respect to this meeting is attached as Appendix 14 of the plan change request.

### **9.2 Local boards**

367. The Franklin Local Board were advised of the plan change request and invited to provide their views on the plan change on 23 March 2021 at a Local Board Meeting. A copy of these resolutions is included in **Appendix 3**.
368. The views of the Franklin Board (resolution number FR/2021/26) are as follows:
- a) provide the following local board views on Private Plan Change 45 by Stratford Properties Limited for 272, 274 and 278 Clevedon-Kawakawa Road:
    - i) have concern that an approved plan change will set a precedent for other landowners, resulting in more requests for rural land to be used for housing and unmanaged (ribbon) development to evolve
    - ii) acknowledge community concern for the extra traffic and volume of traffic movements on Clevedon-Kawakawa Bay Road and other feeder roads noting that these roads are of insufficient design to safely support increases in traffic volume
    - iii) acknowledge concern for the ecological impact on the Wairoa River and beyond the immediate development footprint.

b) decline the opportunity to appoint a local board member to speak to the local board views at a hearing on Private Plan Change 45.

369. These matters have been considered in the preparation of this report.

### **9.3 Written approvals and withdrawals**

370. Appendix 14 of the statutory report includes written approvals provided by owners/occupiers to the proposed subdivision and land use resource consents.

371. While these approvals do not form part of the plan change process, they were notified along with the plan change and are referenced in the statutory report.

372. Since the notification of the plan change material, Council has received requests to withdraw some of these written approvals. The following parties have withdrawn their approvals:

a) Paul and Carol Gibbard – 262 Clevedon-Kawakawa Road

b) Johnathon Martin and Cassey Lindberg – 294 Clevedon-Kawakawa Road

373. The applicant has been notified of these withdrawals.

## **10. NOTIFICATION AND SUBMISSIONS**

### **10.1 Notification details**

374. PC45 was originally notified on a limited basis to affected persons on 30 July 2020. 12 submissions were received, and one further submission was received.

375. As a result of further information that came to light about the potential effects of the plan change, the Council re-notified PC45 publicly on 19 November 2020.

376. Details of the notification timeframes and number of submissions received is outlined below:

Date of limited notification for submissions	30 July 2020
Closing date for submissions	27 August 2020
Date of re-notification (public) for submissions	19 November 2020
Closing date for submissions	17 December 2020
Total number of submissions received	20
Date of public notification for further submissions	28 January 2021
Closing date for further submissions	12 February 2021

Number of further submissions received	6
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377. Copies of the submissions and further submissions are attached as **Appendix 2** to this report. Parties that were directly served notice by Council are indicated in Figure 9.

### 10.2 Analysis of submissions and further submissions

378. The following sections address the submissions received on PC45. It discusses the relief sought in the submissions and makes recommendations to the Hearing Commissioners.

379. Submissions that address the same issues and seek the same relief have been grouped together in this report under the following topic headings:

- Submissions supporting PC45 in its entirety
- Submissions opposing PC45 in its entirety
- Support PC45 with amendments (fewer building sites)
- Defensible boundaries
- Effects on directly adjacent property (reverse sensitivity and runoff)
- Oppose the plan change, if approved seek various conditions
- Traffic, flooding and privacy effects
- Heritage New Zealand Pouhere Taonga submission – iwi consultation and archaeology

#### 10.2.1 Submissions supporting PC45 in its entirety

##### Submissions and further submissions

Sub. No	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
13.1	Ross Johnson	Approve the plan change without any amendments	FS2 Roscommon Properties – support FS3 Trent Archer – support FS5 Stephan Craig Wuffli - support	This submission and the further submissions that support it cite a need to provide for housing choice in the area and a better use marginal farmland. Ecological restoration is also cited as a positive factor.  As discussed in section 8 of this report. While the case for housing

				<p>demand of this nature is not conclusive, the effects on the landscape, character and amenity matters have been found to be acceptable for the receiving environment. Ecological benefits have been identified and the land is not considered to be highly productive land.</p> <p>I recommend <u>support</u> of these submissions.</p>
14.1	Netherlea Holdings c/- Peter Mandeno	Netherlea Holdings fully supports plan change 45	<p>FS2 Roscommon Properties – support</p> <p>FS3 Trent Archer – support</p> <p>FS5 Stephan Craig Wuffli - support</p>	<p>This submission cites demand in the area as an important factor to approve the plan change.</p> <p>While the case for demand is not conclusive, I recommend <u>supporting</u> the relief sought by this submission for the other reasons discussed.</p>
15.1	Bruce Frizzell	We have no objection to this plan change as we believe the opportunity should exist for those that wish to live in a Rural Environment should be able to do so without the hassle of looking after a larger block , but would like to suggest a further plan change to our property (81 Clevedon-Kawakawa Road) and other Properties on Holdens	<p>FS2 Roscommon Properties – support</p> <p>FS3 Trent Archer – support</p> <p>FS5 Stephan Craig Wuffli – support</p> <p>FS6 Trevor, Dianne &amp; Anthony - oppose</p>	<p>The comments of Mr. Frizzell are outside the scope of the proposed plan change and are <u>not supported</u> as they seek to rezone properties outside the plan change area.</p> <p>There are many competing resource management matters to</p>

		Road and McNicol Road.		<p>consider for such a request. In my opinion, the most appropriate mechanism to consider these is through a resource consent or plan change process.</p> <p>The further submission of T, D and A Giles raises matters which are also included in their primary submission (submitter #16) and will be responded to there.</p>
20.1	Helen Gray	Supports the plan change (no specific relief requested)	<p>FS3 Trent Archer – support</p> <p>FS5 Stephan Craig Wuffli – support</p>	<p>I recommend this submission be <u>supported</u>.</p> <p>Further Submission 5 identifies matters which are largely agreed with by the expert assessment relating to visual character and amenity and ecology.</p>

Recommendations on Submissions

380. I recommend that submissions 13.1, 14.1 and 20.1 be accepted and Submission 15.1 be rejected for the reasons set out in the above table.

## 10.2.2 Submissions opposing PC45 in its entirety

### Submissions and further submissions

Sub. No	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
3.1	Nicky Hunt	Retain the Rural Coastal zoning in place, which we see as complementary to the Clevedon town centre.	FS1 Trevor & Dianne Giles – support	<p>The submitter questions the need to provide additional housing and raises ecological matters address by the ecology and water experts. Flooding and traffic generation have been identified as an issue and this has also been assessed. Maintaining the rural amenity is a concern to the submitter.</p> <p>These matters have been assessed and the site is capable of remedying or mitigating these matters, subject to detailed investigation at resource consent stage.</p> <p>Accordingly, I recommend <u>rejection</u> of this submission.</p>
16.1	Trevor Giles & Dianne Giles	Decline the plan change	FS4 Johnathon Allen Martin - support	<p>Several matters are raised by this submitter both in their primary and further submissions.</p> <p>These matters include: maintaining productive rural</p>

				<p>land uses, maintaining the integrity of the Clevedon Precinct and RCZ, maintain the rural character and amenity, natural hazard events and stormwater run-off, visual effects on 340 Clevedon-Kawakawa Road, traffic effects and perceived ribbon development, concerns around the ecological planting, protecting farmland from saltwater intrusion, and transferrable rural site subdivision (arising as a result of ecological restoration)</p> <p>These matters are discussed further at the bottom of this table where it is concluded that this submission be <u>rejected</u>.</p>
17.1	Brendan Kingsley Vallings	Decline the plan change	<p>FS4 Johnathon Allen Martin – support</p> <p>FS6 Trevor, Dianne &amp; Anthony - support</p>	<p>This submitter raises the point that there are many productive uses for the subject site which were not considered in the statutory report.</p> <p>This has, to an extent, been raised by Council’s soils expert.</p> <p>Notwithstanding, the circumstances of this site are that it is not highly productive land,</p>

				<p>which is the policy focus of the AUP(OP).</p> <p>Matters of traffic generation and infrastructure are raised and they have been addressed in response to other submissions. The matter of setting a precedent is also discussed elsewhere in this report.</p> <p>Plan change processes are available to any member of the public and allow a area-specific examination in light of the existing environment and the current understanding of that environment. Planning instruments are therefore not static.</p> <p>I recommend this submission be <u>rejected</u>.</p>
18.1	Clevedon Community and Business Association	Decline the proposed plan change as set out in the application documents	<p>FS4 Johnathon Allen Martin – support</p> <p>FS6 Trevor, Dianne &amp; Anthony - support</p>	<p>The key concern of this submitter is with respect to defensible boundaries of the zone and precinct. This matter is addressed at paragraph 228 of this report where it is found that the natural hazard overlays and eventual property boundaries (upon subdivision) will act as defensible boundaries, both</p>



				visually and in policy terms. I recommend this submission be <u>rejected</u> .
19.1	Clevedon Cares Incorporated c/- Mary Whitehouse	Decline the plan change	FS4 Johnathon Allen Martin – support  FS6 Trevor, Dianne & Anthony - support	This submission is discussed at the bottom of this table where I recommend this submission be <u>rejected</u> .
21.1	Caroline Greig	Decline the plan change	FS4 Johnathon Allen Martin – support  FS6 Trevor, Dianne & Anthony - support	The submitter raises matters of plan integrity, infrastructure provision, visual and character effects and traffic issues. These matters have been addressed elsewhere in this report where they have been found to be no more than minor. I recommend this submission is <u>rejected</u> .
22.1	Mary Whitehouse	Decline the plan change	FS4 Johnathon Allen Martin – support  FS6 Trevor, Dianne & Anthony - support	The submitter raises matters of plan integrity and preventing the adhoc subdivision which has occurred historically in this area. Notably the submitter suggests local knowledge is 'played down' to be less important than that of the experts.  The issue of plan integrity has been discussed in relation to other submissions so is not repeated.

				<p>In my view, local knowledge is a valuable and valid source of information. A theme through the submissions is an aspiration for the 'look and feel' of the village and surrounding area. These are inherently subjective concepts that can change over time. While the Clevedon Precinct provides some guidance, it does not contain design standards providing the level of specificity of built form which appears to be being sought by some submitters.</p> <p>The detail of the bulk, scale and intensity of the built form will be considered in detail during subsequent resource consent processes.</p> <p>I recommend that the submission be <u>rejected</u>.</p>
23.1	Josephine Elworthy	Decline the plan change	<p>FS4 Johnathon Allen Martin – support</p> <p>FS6 Trevor, Dianne &amp; Anthony - support</p>	<p>Many of the matters raised by the submitter have been discussed previously and are not repeated.</p> <p>The matter of providing public access to the Wairoa River is supported as outlined in paragraph 141 of this report. I</p>

				<p>recommend consideration be given by the hearing commissioners as to how this might be provided for.</p> <p>I recommend this submission be <u>accepted in part</u>.</p>
24.1	Christine Mayo	Decline the plan change	<p>FS4 Johnathon Allen Martin – support</p> <p>FS6 Trevor, Dianne &amp; Anthony - support</p>	<p>The submitter raises concern regarding rural character and amenity and traffic effects. These have been addressed elsewhere where the effects are found to be no more than minor.</p> <p>I recommend this submission be <u>rejected</u>.</p>
25.1	Lindsey Britton	Decline the plan change	<p>FS4 Johnathon Allen Martin – support</p> <p>FS6 Trevor, Dianne &amp; Anthony - support</p>	<p>The submitter states Clevedon Valley has suffered from uncoordinated and opportunistic development.</p> <p>The matter of rural character and amenity has been covered previously in this report and I recommend this submission be <u>rejected</u>.</p>

### Discussion

381. With respect to the submission of T and D Giles (submission #16), the submitter raises several matters, all of which have been assessed by Council experts and responded to in this report. PC45 is considered capable of being developed in a manner which responds appropriately to the matters raised and the policy directions in the relevant planning documents. The detail of this will be considered during subsequent resource consent processes where affected parties will be identified and notified. Several of the matters the submitter raises are of a level of detail more appropriate for a resource consent process.
382. As the submitter points out, standards exist within the AUP(OP) to address matters such as stormwater and the creation of access. These have been assessed at a concept stage by the Council experts involved in this plan change, as is appropriate, and their

recommendations are that feasible design solutions are available. The configuration of any subsequent development including the number of lots granted will be dependent on how successfully environmental effects can be avoided, remedied, or mitigated by the developer.

383. In my view, the plan change meets the threshold for rezoning in the split zoning matter proposed and this is summarised in section 6.7 of this report. Several matters including the protection of productive rural activities, and rural landscape and visual amenity have been closely considered given their strong policy direction. The site-specific circumstances of the plan change site have addressed these matters to meet the required threshold from an environmental effects and policy standpoint in my opinion.
384. Being provided an opportunity to take advantage of the Clevedon Precinct clustering provisions is unlikely to result in more than minor adverse effects on the character and amenity of the receiving environment once planting has become established. This has been assessed against the receiving environment as it is currently, not as it was originally envisioned and zoned for in 2010. For these reasons, I recommend submission #16.1 be rejected.
385. The Clevedon Cares submission (submission #19) raises similar matters in terms of a defensible precinct boundary, density of development, rural character and amenity, stormwater disposal, and traffic.
386. On the point of the precinct, the submitter states that the original intent of the clustering mechanism is to encourage development more akin to a '...homestead surrounded by outbuildings' (paragraph 6 of submission #19).
387. The precinct description states that cluster housing is used to reduce visual impact, preserve key views, maintain wildlife corridors, and allow land only partially impacted by flooding to be developed. The precinct standard of no more than 5 dwellings states this applies 'where applicable' (Standard I408.6.4(g)(i)). It is noted that this wording was more stringent in the legacy plan provisions where the words 'where applicable' were not included.
388. In my view, the submitter appears to be seeking a design outcome which is not explicit in the precinct. It is not substantiated by the visual effects assessment undertaken by the landscape specialists. The limit of 5 dwellings is more akin to a guideline in this respect that must be justified in environmental terms. Just as more than this number of dwellings may be granted consent if the effects are acceptable.
389. The precinct contains standards around lot size, setting both a minimum (2,500m<sup>2</sup>) and maximum (6,000m<sup>2</sup>). The concept development complies with these. The standard sought in PC45 seeking to limit the number of dwellings on Lot 1 DP 146882 to 12 dwellings is seeking a density less than 1 dwelling per 4ha. Lot 1 DP 146882 is 52ha, therefore 12 dwellings equate to 1 dwelling per 4.3ha. For these reasons, I recommend Submission #19.1 be rejected.

#### Recommendations on Submissions

390. I recommend that submissions 3.1, 16.1, 17.1, 18.1, 19.1, 21.1, 22.1, 24.1, 25.1 be rejected and 23.1 be accepted in part.

### 10.2.3 Support PC45 with amendments (fewer building sites)

#### Submissions and further submissions

Sub. No	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
7.1	Bernise & Geoffrey Milliken	<p>We are not opposed to the inevitable Urban spread that is happening within our area or the wider Auckland catchment generally, we in fact embrace it. In this instance however our opinion is that a smaller number of building sites within the Stratford Properties development would be far more sympathetic to close neighbours, ourselves, the roading system and the environment and be much more in keeping with the surrounding area.</p>		<p>The submitter raises concerns regarding visual effects, traffic safety and concerns about stock getting to high ground in times of flooding.</p> <p>PC45 provides an opportunity for the applicant to develop the site in the manner currently proposed, however it is at resource consent stage, where detailed designs are known, that will determine the ultimate configuration of the development. The plan change does not change any the objectives and policies of the plan therefore the proposal will still be assessed against the same policy framework.</p> <p>With respect to amenity, the landscape experts agree that insofar as they are currently known, the visual and character effects are no more than minor.</p>

				I recommend this submission be <u>rejected</u> .
11.1	Bernise Emily Milliken	We are not opposed to the inevitable Urban spread that is happening within our area or the wider Auckland catchment generally, we in fact embrace it. In this instance however our opinion is that a smaller number of building sites within the Stratford Properties development would be far more sympathetic to close neighbours, ourselves, the roading system and the environment and be much more in keeping with the surrounding area.	FS1 Trevor & Dianne Giles – support  FS4 Johnathon Allen Martin - support	This is a duplicate submission. Refer to comments for submission 7.1.  I recommend this submission be <u>rejected</u> .

### Recommendations on Submissions

391. I recommend that submissions 7.1 and 11.1 be rejected.

### **10.2.4 Defensible boundaries**

#### Submissions and further submissions

<b>Sub. No</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
10.1	James, Margaret, Robert & Kim Power	Oppose the plan change if it may result in the surrounding area getting zoning extensions and more developments happening.	FS1 Trevor & Dianne Giles – support  FS4 Johnathon Allen Martin - support	The submitter is concerned that rezoning the plan change site could result in a cascade effect of other properties in the area being rezoned.

				<p>These matters have been discussed previously where I conclude the precinct and zone boundary would be defensible. Other properties would require site specific assessment via a plan change process.</p> <p>I recommend this submission be <u>rejected</u>.</p>
18.2	Clevedon Community and Business Association	[Decline the plan change] In the alternate, we request that if Council are of a mind to recommend that the proposed plan change is approved, that the issue of defensible boundaries is addressed in the decision, and a defensible boundary applied.	FS4 Johnathon Allen Martin - support	<p>This matter has been considered in responding to submission point 18.1.</p> <p>I recommend this submission is <u>rejected</u>.</p>

#### Recommendations on Submissions

392. I recommend that submissions 10.1 and 18.2 be rejected.

#### **10.2.5 Effects on directly adjacent property (reverse sensitivity and runoff)**

##### Submissions and further submissions

<b>Sub. No</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
8.1	JM Mechanical Services Ltd c/- Johnathon Martin	Approve the plan change with amendments requested to address the concerns raised in	FS1 Trevor & Dianne Giles – does not state  FS4 Johnathon	This submission has been considered in section 8.3 of this report where I conclude reverse

		the submission, include impacts on the submitters home business and drainage and runoff from the plan change properties on to the submitter's land.	Allen Martin – oppose in part	sensitivity effects can be appropriately managed.  The Healthy Waters experts have confirmed that design solutions are available to ensure that subsequent development of the plan change site will not affect neighbouring properties with respect to stormwater management.  I recommend that this submission be <u>rejected</u> .
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Recommendations on Submissions

393. I recommend that submission 8.1 be rejected.

**10.2.6 Oppose the plan change, if approved seek various conditions**

Submissions and further submissions

Sub. No	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
19.2	Clevedon Cares Incorporated c/- Mary Whitehouse	[Decline the plan change]  In the alternate if the application is granted in whole or in part, Clevedon Cares requests that the following conditions are applied: a. A new defensible boundary to Clevedon Precinct is applied b. If any part of the site is rezoned to Clevedon Precinct C/Countryside Living, the minimum site area and clustering provisions of Clevedon Precinct C are adhered to in accordance with the area of the rezoned land. c. That the application	FS4 Johnathon Allen Martin – support	This submission point seeks several matters of relief that the AUP(OP) already provides scope for.  I do support the requirement for public access (as stated in response to submission 23.1). I therefore recommend this submission be <u>accepted in part</u> .



		<p>for subdivision consent is publicly notified d. Public access trails are provided, generally in accordance with those in the Clevedon Precinct and as encouraged in the AUP e. Public access to the riparian margin and the Wairoa river is provided, including a jetty f. Wetlands and other environmental enhancements are undertaken, including planting to reduce the visual impact of any countryside living zone. g. Lighting and roading are designed to be in keeping with the rural environment to minimise the look of an urban development</p>		
25.2	Lindsey Britton	<p>[Decline the plan change]</p> <p>If the Council is not willing to stick to its own planning rules and go against the communities wishes and chooses to allow PC 45 then: - It must be publicly notified - A new defensible and fixed Clevedon Precinct boundary has to be set - Far fewer dwellings on the site should be required - The dwellings need to be disguised by some serious tree planting - No two story dwellings - The roads on site and off the Clevedon-Kawakawa Bay Road must be rural in nature - The site must have subdued street lighting there being no street lights for kms and definitely not the huge standards 52 North Rd has installed or it will be lit up like a sports stadium in a black void</p>	FS4 Johnathon Allen Martin – support	<p>The matters raised in the submission are detailed design matters which scope already provide in the AUP(OP). The design guidelines proposed in PC45 address some of these matters where they are supported by an effects assessment.</p> <p>I recommend this submission point be <u>rejected</u>.</p>

Recommendations on Submissions

394. I recommend that submission 19.2 and 25.2 be rejected.

**10.2.7 Traffic, flooding and privacy effects**

Submissions and further submissions

Sub. No	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
2.1	Carol and Paul Gibbard	Please consider the extra traffic, the floodplains and our privacy when making your decision in regards to this proposal.	FS1 Trevor & Dianne Giles – support	Traffic and natural hazard matters have been considered in the effects assessment.  I recommend this submission be <u>accepted</u> .

Recommendations on Submissions

395. I recommend that submission 21 be accepted.

**10.2.8 Heritage New Zealand Pouhere Taonga submission – iwi consultation and archaeology**

Submissions and further submissions

Sub. No	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
9.1	Heritage New Zealand Pouhere Taonga	Do not approve the plan change until such time as:  - wider consultation has been completed with all iwi entities who exercise kaitiakitanga within this rohe;  - an archaeological assessment/field survey has been completed by an appropriately		The matters pertaining to iwi consultation are addressed in section 6.6.4 of this report where I conclude the mana whenua have been provided appropriate opportunity to engage in PC45.  The matters pertaining to archaeology and heritage are discussed in section 8.12 where

		<p>qualified archaeologist, and</p> <p>- the plan change is amended as appropriate in response to the survey to avoid effects on any identified archaeological sites in the first instance, and as may be sought following wider iwi consultation.</p>		<p>I conclude that there are mechanisms in the AUP(OP) to address the accidental discovery of archaeology which include informing Heritage New Zealand Pouhere Taonga.</p> <p>Accordingly, I recommend this submission be <u>rejected</u>.</p>
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### Recommendations on Submissions

396. I recommend that submission 9.1 be rejected.

### **Conclusion**

397. PC45 seeks to rezone land at 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon from Rural – Rural Coastal Zone to Rural – Countryside living Zone in the AUP(OP). It seeks to apply a split zoning to the site and extend the Clevedon Precinct over the land rezoned as Rural-Countryside Living Zone. PC45 also seeks to amend the precinct provisions to allow the full area of Lot 1 DP 146882 (52ha) to be used in the calculation of average lot size and allow a maximum of 12 dwellings on that lot.
398. An assessment of effects has been undertaken, supported by a peer review from relevant Council specialists. This assessment finds that the environmental effects of likely subsequent development enabled by PC45 are no more than minor.
399. The matter of uncontrolled expansion of the Rural – Countryside Living Zone and Clevedon Precinct has been raised by both submitters and the local board as a concern of PC45. I consider that the natural hazard constraints on and around this land will serve as a defensible boundary to prevent the further expansion of both the Clevedon Precinct and Rural-Countryside Living Zone to the east. Such hazards are incompatible with any further extension of the zone or the precinct and the PC45 site therefore represents the last vestige of contiguous non-highly productive rural land on the northern side of Clevedon-Kawakawa Road suitable for such an extension.
400. Submissions have been received in support of, and in opposition to PC45. They are predominantly with respect to: effects on the rural character, landscape, view and amenity values; loss of productive rural land resource; flooding and stormwater discharge; and seeking more opportunities for countryside living developments in the Clevedon area.
401. Having considered all of the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Plan Change 45 should be approved as is currently proposed. The matter of public access to the Wairoa River has been noted as a shortcoming of the plan change, however I consider this is a matter more appropriately addressed as a matter of resource consent as opposed to a separate reference or diagrams being included in the Clevedon Precinct itself.

402. In terms of the statutory and policy context, PC45:



- will assist the Council in achieving the overall purpose of the Resource Management Act 1991
- will give effect to the relevant National Policy Statements and the AUP(OP) Regional Policy Statement; and
- is consistent with the Auckland Plan.

## **11. RECOMMENDATIONS**

403. I recommend that, the Hearing Commissioners accept or reject submissions as outlined in this report.

404. I recommend that PC45 to the Auckland Unitary Plan be approved.

## 12. SIGNATORIES

Name and title of signatories	
Author	 Matthew Gouge, Senior Policy Planner, Central and South Planning
Reviewer	 Craig Cairncross, Team Leader, Central and South Planning



## **APPENDIX TWO**

### **SUBMISSIONS AND FURTHER SUBMISSIONS**





# **AUCKLAND UNITARY PLAN OPERATIVE IN PART**

## **PROPOSED PLAN CHANGE 45 (Private)**

**272, 274 and 278 Clevedon Kawakawa  
Road**

## **SUMMARY OF DECISIONS REQUESTED**

**Enclosed:**

- **Explanation**
- **Summary of Decisions Requested**
- **Submissions**

## Explanation

- You may make a “further submission” to support or oppose any submission already received (see summaries that follow).
- You should use Form 6.
- Your further submission must be received by **Friday, 12 February 2021**
- Send a copy of your further submission to the original submitter as soon as possible after submitting it to the Council.

## **Summary of Decisions Requested**

**Plan Change 45 – 272, 274 and 278 Clevedon-Kawakawa Road**  
**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
1		Withdrawn			
2	2.1	Carol and Paul Gibbard	carolgibbard@gmail.com	Neutral	Please consider the extra traffic, the floodplains and our privacy when making your decision in regards to this proposal.
3	3.1	Nicky Hunt	nickyhuntnz@gmail.com	Amend the plan change if it is not declined	Retain the Rural Coastal zoning in place, which we see as complementary to the Clevedon town centre.
4		Withdrawn			
5		Withdrawn			
6		Withdrawn			
7	7.1	Bernise & Geoffrey Milliken	Geoff@bpi.co.nz	Amend the plan change	We are not opposed to the inevitable Urban spread that is happening within our area or the wider Auckland catchment generally, we in fact embrace it. In this instance however our opinion is that a smaller number of building sites within the Stratford Properties development would be far more sympathetic to close neighbours, ourselves, the roading system and the environment and be much more in keeping with the surrounding area.
8	8.1	JM Mechanical Services Ltd c/- Johnathon Martin	johnathon@jmservice.co.nz	Accept the plan change with amendments	Approve the plan change with amendments requested to address the concerns raised in the submission, include impacts on the submitters home business and drainage and runoff from the plan change properties on to the submitter's land.
9	9.1	Heritage New Zealand Pouhere Taonga c/- Susan Andrews	sandrews@heritage.org.nz	Accept the plan change with amendments	Do not approve the plan change until such time as: - wider consultation has been completed with all iwi entities who exercise Kaitiakitanga within this rohe; - an archaeological assessment/field survey has been completed by an appropriately qualified archaeologist, and - the plan change is amended as appropriate in response to the survey to avoid effects on any identified archaeological sites in the first instance, and as may be sought following wider iwi consultation.
10	10.1	James, Margaret, Robert & Kim Power	powerk@windowslive.com	Decline the plan change	Oppose the plan change if it may result in the surrounding area getting zoning extensions and more developments happening.

**Plan Change 45 – 272, 274 and 278 Clevedon-Kawakawa Road**  
**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
11	11.1	Bernise Emily Milliken			We are not opposed to the inevitable Urban spread that is happening within our area or the wider Auckland catchment generally, we in fact embrace it. In this instance however, our opinion is that a smaller number of building sites within the Stratford Properties development would be far more sympathetic to close neighbours, ourselves, the roading system and the environment and be much more in keeping with the surrounding area.
12		Withdrawn	<a href="mailto:g.b.milliken@xtra.co.nz">g.b.milliken@xtra.co.nz</a>	Decline the plan change	
13	13.1	Ross Johnson	<a href="mailto:ross@johnsonfarm.co.nz">ross@johnsonfarm.co.nz</a>	Approve the plan change	
14	14.1	Netherlea Holdings c/- Peter Mandeno	<a href="mailto:peter.mandeno@xtra.co.nz">peter.mandeno@xtra.co.nz</a>	Approve the plan change	Netherlea Holdings fully supports plan change 45
15	15.1	Bruce Frizzell	<a href="mailto:frizzprop@gmail.com">frizzprop@gmail.com</a>		We have no objection to this plan change as we believe the opportunity should exist for those that wish to live in a Rural Environment should be able to do so without the hassle of looking after a larger block , but would like to suggest a further plan change to our property [81 Clevedon-Kawakawa Road] and other Properties on Holdens Road and McNicol Road.
16	16.1	Trevor Giles & Dianne Giles	<a href="mailto:d.giles990@hotmail.com">d.giles990@hotmail.com</a>	Decline the plan change	Decline the plan change
17	17.1	Brendan Kingsley Vallings	<a href="mailto:brendan.vallings@xtra.co.nz">brendan.vallings@xtra.co.nz</a>	Decline the plan change	Decline the plan change
18	18.1	Clevedon Community and Business Association	<a href="mailto:secretary@clevedon.co.nz">secretary@clevedon.co.nz</a>	Decline the plan change	Decline the proposed plan change as set out in the application documents
18	18.2	Clevedon Community and Business Association	<a href="mailto:secretary@clevedon.co.nz">secretary@clevedon.co.nz</a>	Decline the plan change	In the alternate, we request that if Council are of a mind to recommend that the proposed plan change is approved, that the issue of defensible boundaries is addressed in the decision, and a defensible boundary applied.
19	19.1	Clevedon Cares Incorporated c/- Mary Whitehouse	<a href="mailto:info@clevedoncares.co.nz">info@clevedoncares.co.nz</a>	Decline the plan change	Decline the plan change

**Plan Change 45 – 272, 274 and 278 Clevedon-Kawakawa Road**  
**Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
19	19.2	Clevedon Cares Incorporated c/- Mary Whitehouse			In the alternate if the application is granted in whole or in part, Clevedon Cares requests that the following conditions are applied: a. A new defensible boundary to Clevedon Precinct is applied b. If any part of the site is rezoned to Clevedon Precinct C/Countryside Living, the minimum site area and clustering provisions of Clevedon Precinct C are adhered to in accordance with the area of the rezoned land. c. That the application for subdivision consent is publicly notified d. Public access trails are provided, generally in accordance with those in the Clevedon Precinct and as encouraged in the AUP e. Public access to the riparian margin and the Wairoa river is provided, including a jetty f. Wetlands and other environmental enhancements are undertaken, including planting to reduce the visual impact of any countryside living zone. g. Lighting and roading are designed to be in keeping with the rural environment to minimise the look of an urban development
20	20.1	Helen Gray	<a href="mailto:info@clevedoncares.co.nz">info@clevedoncares.co.nz</a> <a href="mailto:emhgray@gmail.com">emhgray@gmail.com</a>	Decline the plan change Approve the plan change	Supports the plan change (no specific relief requested)
21	21.1	Caroline Greig	<a href="mailto:cgreig@xtra.co.nz">cgreig@xtra.co.nz</a>	Decline the plan change	Decline the plan change
22	22.1	Mary Whitehouse	<a href="mailto:mwhitehouse017@gmail.com">mwhitehouse017@gmail.com</a>	Decline the plan change	Decline the plan change
23	23.1	Josephine Elworthy	<a href="mailto:josephine@holofo.co.nz">josephine@holofo.co.nz</a>	Decline the plan change	Decline the plan change
24	24.1	Christine Mayo	<a href="mailto:havley_mayo_hails@hotmail.com">havley_mayo_hails@hotmail.com</a>	Decline the plan change	Decline the plan change
25	25.1	Lindsey Britton	<a href="mailto:liakuri@xtra.co.nz">liakuri@xtra.co.nz</a>	Decline the plan change	Decline the plan change

**Plan Change 45 – 272, 274 and 278 Clevedon-Kawakawa Road**  
Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
25	25.2	Lindsey Britton	<a href="mailto:tiakuri@xtra.co.nz">tiakuri@xtra.co.nz</a>	Decline the plan change	<p>If the Council is not willing to stick to its own planning rules and go against the communities wishes and chooses to allow PC 45 then:</p> <ul style="list-style-type: none"> <li>- It must be publicly notified</li> <li>- A new defensible and fixed Clevedon Precinct boundary has to be set</li> <li>- Far fewer dwellings on the site should be required</li> <li>- The dwellings need to be disguised by some serious tree planting</li> <li>- No two story dwellings</li> <li>- The roads on site and off the Clevedon-Kawakawa Bay Road must be rural in nature</li> <li>- The site must have subdued street lighting there being no street lights for kms and definitely not the huge standards 52 North Rd has installed or it will be lit up like a sports stadium in a black void</li> </ul>

## **Submissions**



Hi Sanjay,

I am writing in regards to the Limited Notification Proposed Plan Change 45 - 272, 274 and 278 Clevedon-Kawakawa road by Stratford Properties Limited

With the recent rezoning to the Auckland Unitary plan we believe there is plenty of opportunity for development in the designated areas without widening the zoned area. Clevedon village itself has substantial development going on and the outskirts need to keep the rural character and feel of our special community.

This is always a difficult situation where we wish to retain the integrity of the rural culture, good neighbourly relations and a tasteful development that doesn't impact negatively on our property.

If you decide to accept the proposal we ask that you please keep us fully informed of any changes/ amendments that vary from the original plan. We have found that previously a property owner gains permission for one thing and before you know it they have totally changed the plans and we are no longer consulted or updated on the changes/developments.

We love living rural and moved to this area for that very reason, I am therefore asking you to please consider the extra traffic, the floodplains and our privacy when making your decision in regards to this proposal.

2.1

Warmest regards,  
Carol and Paul Gibbard  
262 Clevedon-Kawakawa Rd  
Clevedon  
Auckland  
carolgibbard@gmail.com

Carol Gibbard

Branch and Bloom Ltd

To Whom It May Concern

I am writing in regards to the Limited Notification Proposed Plan Change 45 - 272, 274 and 278 Clevedon-Kawakawa road by Stratford Properties Limited.

I understand Stratford Properties Limited has been trying to develop their property at 272 Clevedon-Kawakawa Rd in Clevedon and to date has been unsuccessful.

Local residents have had conversations with Doug Sherning regarding sub-dividing his property. We have now been notified that he is applying to re-zone the area from Rural Coastal to Countryside Living including extend the Clevedon Precinct over this area.

I am not completely opposed to the development - we have a business in the village and development helps us in this regard, *but* as you are aware more than 700 new homes have already been approved in the village and the living in Clevedon is already becoming more intensified. There is no evidence to suggest this needs further intensifying. The neighbour on the other side of the property owner has already subdivided his property under the Unitary Plan.

As mentioned, I acknowledge that developing his property is his right but these are the following issues that are for consideration for all of the neighbours.

As council is aware, the intended piece of land is **river** frontage and any development could seriously affect the local wildlife and the river's delicate eco system. The silt management of the river any the eco systems of the river and wildlife would need to be mitigated and closely monitored by council during the construction of any proposed sub-division.

Also the proposed piece of land is prone to bad **flooding** when the river swells and cannot cope with the heavy rainfall as quite a large proportion of the proposed site floods. The only section which doesn't flood is a slight rise in the landscape which is where the proposed housing subdivision is planned for.

It will mean homes clustered close together, increasing **traffic movements**. The road is already very busy and fast as it is, especially during holiday and weekend times and any development including what is happening in the town centre will exacerbate this. It will be good to have an understanding of what council's response to that will be especially during peak commuter and holiday times?

The current zoning designation is suitable for the types of activities that **rural living** allows for, we have a peaceful lifestyle whereby we can enjoy our rural lifestyle. This is precisely what attracted us to move to this area, and is highly valued by ourselves and our neighbours. If the proposed re-zoning were to come into place, we would lose, especially with the proposed plans of the subdivision by the property owner.

Council has already approved intensified living in the village. If we are to keep the beauty and eco system of Clevedon alive, we need to retain the Rural Coastal zoning in place, which we see as complementary to the Clevedon town centre. This is the essence and appeal of Clevedon.

3.1

Kind regards

Nicky Hunt  
[nickyhuntnz@gmail.com](mailto:nickyhuntnz@gmail.com)

To Whom It May Concern

I am writing in regards to the Limited Notification Proposed Plan Change 45 - 272, 274 and 278 Clevedon-Kawakawa road by Stratford Properties Limited.

I understand Stratford Properties Limited has been trying to develop their property at 272 Clevedon-Kawakawa Rd on the outskirts of Clevedon. I am disappointed that we were not notified of any such plan. Now that we have been made aware, I have several areas of concern that need to be noted

We have been lucky to live in Clevedon and have enjoyed the rural lifestyle at 247 Clevedon Kawakawa road Clevedon for 18 years.

We chose this site over many others in Clevedon properties as all 4 bedrooms, family room, Kitchen, lounge and outdoor entertaining decks all enjoyed extensive rural views out to the Wairoa river and down to the sea.

Included in this view now is the proposed new Stratford property development. Our main disappointment is the inaccurate misinformation portrayed in the report in relation to 247 Clevedon Kawakawa Rd which according to the compiled documents .... has been stated as no impact ... This is incorrect.

As you will understand given that our personal information has been incorrectly portrayed so far it also leads us to question if other aspects within this report are also misleading to the Clevedon community

The two areas within the formal submission with separate misinformation that have direct effect on ourselves at 247 Clevedon Kawakawa rd are....

- 1) The following abstract from the very first report.... Private Plan Change Request Statutory Assessment Reports, Visual Amenity page 28 / Clause 106.... reads

*.....The private viewing audience is limited to the properties located adjacent to the plan change site to the west, east and south. The southern properties at 247, 271 and 285 Clevedon-Kawakawa Road are immediately across the road from the site. Due to the topographical layout of the area, and the extent of existing vegetation, **only the dwellings at 271 and 285 Clevedon-Kawakawa have direct views to the site** and these are the most affected viewpoints in this location.....*

This is incorrect as evidenced by their own Greenwood associates photos (Point 2) below.... These are in fact the views from our 247 Clevedon Kawakawa property making it an affected viewpoint.

- 2) Appendix 13 /Landscape Visual Assessment..... Photos at the end of the report sub-pages photo 24 &25

Greenwood associates came onto our property at 247 in good faith with permission and took photos and then have wrongly used these visuals to describe 271 Clevedon Kawakawa Rd (Collicutts) views when they are clearly the views from our 247 site. Below is the appendix 5 photo in question and for comparison we attach our own photo directly under that image showing clearly that the power pole and water trough are directly in line with the proposed development from our property (not 271)and could only have been taken from our location. The only difference in the photo we took was that there are no leaves on the trees so the view of the new proposed development area is even more extensive.

The photo identification and subsequent information is wrong and misleading.



**clearwood**  
**associates**  
Commercial Real Estate

Client:  
Shafford Properties Ltd

Project:  
278 Clevedon-Kawakawa Road  
Clevedon

Appendix B  
Viewpoint 1

Camera Lens 50mm  
Photograph dimension: 400x267px  
Photograph to be viewed at: 330mm distance

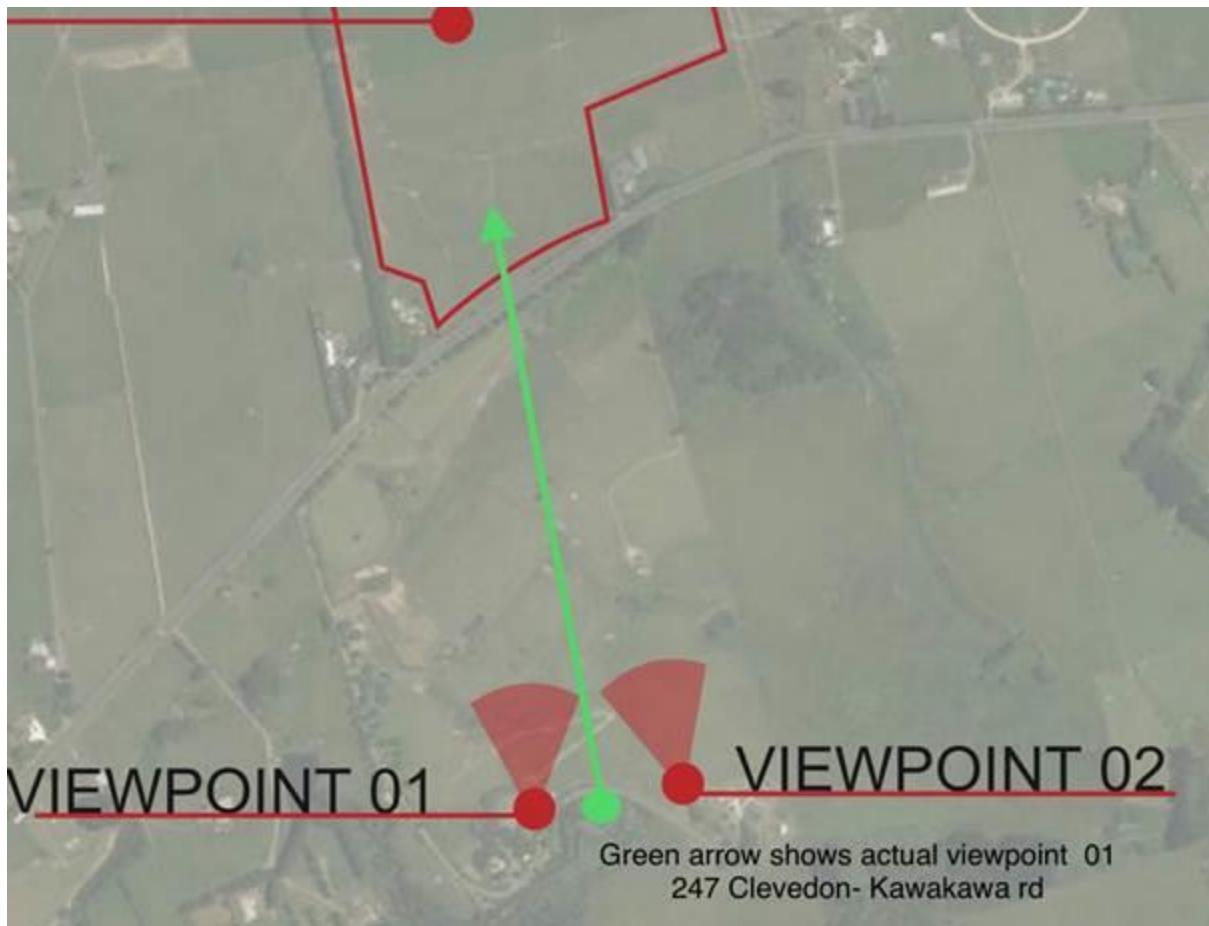
Issue:  
Date:  
09/01/19

**25**



See above the top photo from appendix 5 is the photo in question..... we have for comparison attached our own photo directly below it taken 23/8/20 which clearly illustrates it can only be taken from 247.

The photo has not been taken from 271 as indicated.



This second aerial photo (appendix-4) makes no reference to our 247 location which we have now included in Green.....

Additional to the disappointment of being incorrectly ruled out as a party of no significance in the Visual Assessment report we now have had a short period to consider the plan and conclude.....

- 1) Yes, we do have objections to the number of building sites that are planned within our view. A smaller development of building sites in our opinion is far more appropriate
- 2) We have questions related to the use of this land which we have seen under severe flooding on many occasions. If you build houses on all of the high ground, what then happens to livestock presumably still grazing on the remaining lower lying land when the inevitable floods reoccur.
- 3) We are concerned at the inevitable ecological impact to the river that will occur from 11 building projects and then with the ongoing living impact that this many established homes will continue to create.
- 4) The traffic volume assessment dates back to Nov 2018 and we know that traffic volumes have increased since then. Possibly more importantly the Traffic report did not appear to take into account that 850 additional homes are already approved in the Clevedon Village and are under way now which will already have an as yet unseen significant increase in the traffic flow on this road, particularly on the weekend out to Kawakawa bay for boating and recreation. Adding 11 new building sites feeding off one driveway directly onto an increasingly busy 100kmh road is once again potentially more hazardous than we believe the traffic report suggests

We are not opposed to the inevitable Urban spread that is happening within our area or the wider Auckland catchment generally, we in fact embrace it. In this instance however our opinion is that a smaller number of building sites within the Stratford Properties development would be far more sympathetic to close neighbours, ourselves, the roading system and the environment and be much more in keeping with the surrounding area.

7.1

Yours Faithfully Bernise & Geoffrey Milliken  
247 Clevedon Kawakawa Rd  
Clevedon  
Geoff@bpi.co.nz

The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Johnathon Martin

Organisation name: JM Mechanical Services Ltd

Agent's full name: Johnathon Martin

Email address: [johnathon@jmservice.co.nz](mailto:johnathon@jmservice.co.nz)

Contact phone number: 0226481084

Postal address:  
294 Clevedon Kawakawa Road  
Clevedon  
AUCKLAND 2585

## Submission details

### This is a submission to:

Plan change number: Plan change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

### My submission relates to

Rule or rules:

Property address: 278 Clevedon Kawakawa Road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The plans that we have seen to date look ok, our concern is if the dwelling locations change and are close to our boundary, this will affect our business. We operate a small business from home that means we operate noisy tools and machinery at times. This business provides 24/7 service and supports essential services in the food industry. Currently with no direct neighbours, this is not an issue. If we were to have neighbours close by who did not understand this was part of our business and why we originally moved the business and our lives to a more rural location, this would be catastrophic for our business. Our concerns are that if the zoning is changed from Rural Coastal living to Countryside living, this would allow more condensed living and we would be the noisy neighbours everyone would complain about. Not only would this greatly affect our livelihood, it would need to be considered by the potential new tenants. We aren't against the progression of Clevedon, in fact we welcome it. We just feel we need to express our concerns around what this may potentially mean. Our other concern is around drainage and the runoff from all of these properties. It would appear that this would run straight through our land. Given this area is prone to flooding, and we at least once a

year see our paddocks completely underwater, we are concerned that the waste and run off from these properties would just sit in our paddocks.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

8.1

Details of amendments: Dwelling locations and drainage

Submission date: 27 August 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



To whom it may concern,

We have just completed a submission relating to the proposed changes for 272,274 and 278 Clevedon Kawakawa Road.

The plans that we have seen to date look ok, our concern is if the dwelling locations change and are close to our boundary, this will affect our business. We operate a small business from home that means we operate noisy tools and machinery at times. This business provides 24/7 service and supports essential services in the food industry. Currently with no direct neighbours, this is not an issue. If we were to have neighbours close by who did not understand this was part of our business and why we originally moved the business and our lives to a more rural location, this would be catastrophic for our business.

8.1

Our concerns are that if the zoning is changed from Rural Coastal living to Countryside living, this would allow more condensed living and we would be the noisy neighbours everyone would complain about. Not only would this greatly affect our livelihood, it would need to be considered by the potential new tenants. We aren't against the progression of Clevedon, in fact we welcome it. We just feel we need to express our concerns around what this may potentially mean.

Our other concern is around drainage and the runoff from all of these properties. It would appear that this would run straight through our land. Given this area is prone to flooding, and we at least once a year see our paddocks completely underwater, we are concerned that the waste and run off from these properties would just sit in our paddocks.

8.1

Kind Regards,  
Johnathon Martin  
[johnathon@jmservice.co.nz](mailto:johnathon@jmservice.co.nz)

The following customer has submitted a Unitary Plan online submission.

### **Contact details**

Full name of submitter: Susan Andrews

Organisation name: Heritage New Zealand Pouhere Taonga

Agent's full name:

Email address: [sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

Contact phone number: 09 307 9920

Postal address:

### **Submission details**

#### **This is a submission to:**

Plan change number: Plan change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

#### **My submission relates to**

Rule or rules:

Please see attached submission.

Property address: Please see attached submission.

Map or maps: Please see attached submission.

Other provisions:

Please see attached submission.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Please see attached submission.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Please see attached submission.

Submission date: 27 August 2020

Supporting documents

HNZPT Submission PPC45 27 08 20.pdf

## **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

27<sup>th</sup> August 2020

Attention: Planning Technician  
Auckland Council  
Level 24  
135 Albert Street  
Private Bag 92300  
Auckland 1143

Dear Sir or Madam

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA**

**PROPOSED PLAN CHANGE 45 (PRIVATE): 272, 274 AND 278 CLEVEDON-KAWAKAWA ROAD**

**To:** Auckland Council

**Name of submitter:** Heritage New Zealand Pouhere Taonga

**1. This is a submission on the following proposed private change to the Auckland Unitary Plan (Operative in Part) (the proposal):**

PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road: To rezone approximately 9.9 hectares of land at 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon from Rural Coastal to Countryside Living, and apply the Clevedon Precinct to the land. The purpose of the plan change is to enable 11 countryside living lots, and a shared access and amenity lot, to be established on the land.

**2. Heritage New Zealand could not gain an advantage in trade competition through this submission.**

**3. The specific provisions of the proposal that Heritage New Zealand's submission relates to are:**

- The absence of any qualified archaeological assessment to verify the potential for archaeological sites within the property.
- Consultation with all iwi entities who exercise Kaitiakitanga within this rohe.

**4. Heritage New Zealand's submission is:**

- Heritage New Zealand is an autonomous Crown Entity with statutory responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage.
- Heritage New Zealand seeks that an archaeological field survey/assessment is completed in conjunction with this plan change, given the proximity of the site to the Wairoa River and the nature of the landscape. The current lack of recorded archaeological sites likely suggests the area has never been systematically archaeologically surveyed as opposed to an absence of archaeological remains in the locality.
- While the area of the site proposed for rezoning is indicated as some 600 metres from the river, this does not preclude the potential for archaeological remains to be present within the remainder of the property. Additionally, restoration planting is proposed within tributary and

wetland margins within the site, with these areas particularly having potential for archaeological remains to be present and which therefore could be negatively impacted by planting activities.

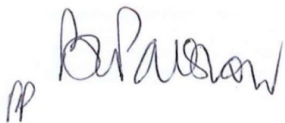
- Heritage NZ seeks that the plan change be reviewed following completion of the field survey and be modified as appropriate to ensure the avoidance and minimising of effects on any archaeological remains in the first instance.
- It is not appropriate in our view, to consider the identification of archaeological sites as left to the mechanism of an Accidental Discovery Protocol during works. This process is reactive at best, along with insufficient ability in many instances to suitably avoid sites and or minimise effects during works when construction plans etc, are already in place, not to mention unplanned delays and budgeted costs where further consents are required to be obtained.
- This will also enable any pre-1900 features located to be recorded as an archaeological site with the New Zealand Archaeological Associated (NZAA) ArchSite database and the Auckland Council Cultural Heritage Index (CHI), and assist the owners to plan developments appropriately, including determining whether an archaeological authority pursuant to the Heritage New Zealand Pouhere Taonga Act (2014) may be required.
- Heritage New Zealand seek that all iwi entities who exercise Kaitiakitanga within this rohe be consulted, and that consultation is also completed with Ngāi Tai Ki Umupuia inclusive of Umupuia Marae Representatives (Kaumatua, Kuia, Komiti), and that the Chief Executive of Ngai Tai – Tama Potaka is kept informed.

**5. Heritage New Zealand seeks the following decision from the local authority:**

- That the plan change not be approved until such time as:
  - wider consultation has been completed with all iwi entities who exercise Kaitiakitanga within this rohe;
  - an archaeological assessment/field survey has been completed by an appropriately qualified archaeologist, and
  - the plan change is amended as appropriate in response to the survey to avoid effects on any identified archaeological sites in the first instance, and as may be sought following wider iwi consultation.

**6. Heritage New Zealand does wish to be heard in support of our submission.**

Yours sincerely



Sherry Reynolds  
Director Northern Region

Address for Service:

Susan Andrews

PO Box 105 291, Auckland

09 307 9920

[sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

To whom it may concern

Our biggest issue with the development for Clevedon-Kawakawa road is we feel there is plenty of development already within the zoned areas in Clevedon, that zone doesn't need to be extended. While we don't mind what Doug has proposed- the 11 sites, we don't want the whole area around us getting zoning extensions and more developments happening. So if that can happen under the new re-zoning, then we are opposed to that change.

10.1

Regards

James Power  
Margaret Power  
Robert Power  
Kim Power  
300 Clevedon-kawakawa road  
092924488  
powerk@windowslive.com

The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Bernise Emily Milliken

Organisation name:

Agent's full name:

Email address: [g.b.milliken@xtra.co.nz](mailto:g.b.milliken@xtra.co.nz)

Contact phone number: 021 2927287

Postal address:  
247 Clevedon Kawakawa Rd  
Clevedon  
Auckland 2585

## Submission details

**This is a submission to:**

Plan change number: Plan change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

**My submission relates to**

Rule or rules:

Property address: Plan change 45-272, 274 and 278 Clevedon Kawakawa Rd by Stratford Properties Ltd

Map or maps:

Other provisions:

\* Information on Visual Amenity page 28 / Clause106 (a false statement)

\* Property identification by Greenwood Associates Appendix 13 / Landscape Visual Assessment photos 24 & 25 (wrongly identified property)

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Our Property 247 Clevedon Kawakawa Rd has been wrongly identified as property 271 Clevedon Kawakawa Rd and as a result wrongly stated as having no Impact in the Landscape Visual Assessment in appendix 13.... our views are affected.

I or we seek the following decision by council: Decline the plan change

Submission date: 27 August 2020

Supporting documents  
Response Stratford Properties Ltd.pdf

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



To Whom It May Concern

26/8/20

I am writing in regards to the Limited Notification Proposed Plan Change 45 - 272, 274 and 278 Clevedon-Kawakawa road by Stratford Properties Limited.

I understand Stratford Properties Limited has been trying to develop their property at 272 Clevedon-Kawakawa Rd on the outskirts of Clevedon. I am disappointed that we were not notified of any such plan. Now that we have been made aware, I have several areas of concern that need to be noted

We have been lucky to live in Clevedon and have enjoyed the rural lifestyle at 247 Clevedon Kawakawa road Clevedon for 18 years.

We chose this site over many others in Clevedon properties as all 4 bedrooms, family room, Kitchen, lounge and outdoor entertaining decks all enjoyed extensive rural views out to the Wairoa river and down to the sea.

Included in this view now is the proposed new Stratford property development. Our main disappointment is the inaccurate misinformation portrayed in the report in relation to 247 Clevedon Kawakawa Rd which according to the compiled documents .... has been stated as no impact ... This is incorrect.

As you will understand given that our personal information has been incorrectly portrayed so far it also leads us to question if other aspects within this report are also misleading to the Clevedon community

The two areas within the formal submission with separate misinformation that have direct effect on ourselves at 247 Clevedon Kawakawa rd are....

- 1) The following abstract from the very first report.... Private Plan Change Request Statutory Assessment Reports, Visual Amenity page 28 / Clause 106.... reads

*.....The private viewing audience is limited to the properties located adjacent to the plan change site to the west, east and south. The southern properties at 247, 271 and 285 Clevedon-Kawakawa Road are immediately across the road from the site. Due to the topographical layout of the area, and the extent of existing vegetation, **only the dwellings at 271 and 285 Clevedon-Kawakawa have direct views to the site** and these are the most affected viewpoints in this location.....*

This is incorrect as evidenced by their own Greenwood associates photos (Point 2) below.... These are in fact the views from our 247 Clevedon Kawakawa property making it an affected viewpoint.

- 2) Appendix 13 /Landscape Visual Assessment..... Photos at the end of the report sub-pages photo 24 &25

Greenwood associates came onto our property at 247 in good faith with permission and took photos and then have wrongly used these visuals to describe 271 Clevedon Kawakawa Rd (Collicutts) views when they are clearly the views from our 247 site. Below is the appendix 5 photo in question and for comparison we attach our own photo directly under that image showing clearly that the power pole and water trough are directly in line with the proposed development from our property (not 271)and could only have been taken from our location. The only difference in the photo we took was that there are no leaves on the trees so the view of the new proposed development area is even more extensive.

The photo identification and subsequent information is wrong and misleading.



**clearwood**  
**associates**  
Commercial Real Estate

Client:  
Shafford Properties Ltd

Project:  
278 Clevedon-Kawakawa Road  
Clevedon

Appendix B  
Viewpoint 1

Camera Lens 50mm  
Photograph dimension: 400x267px  
Photograph to be viewed at: 330mm distance

Issue:  
Date:  
09/01/19

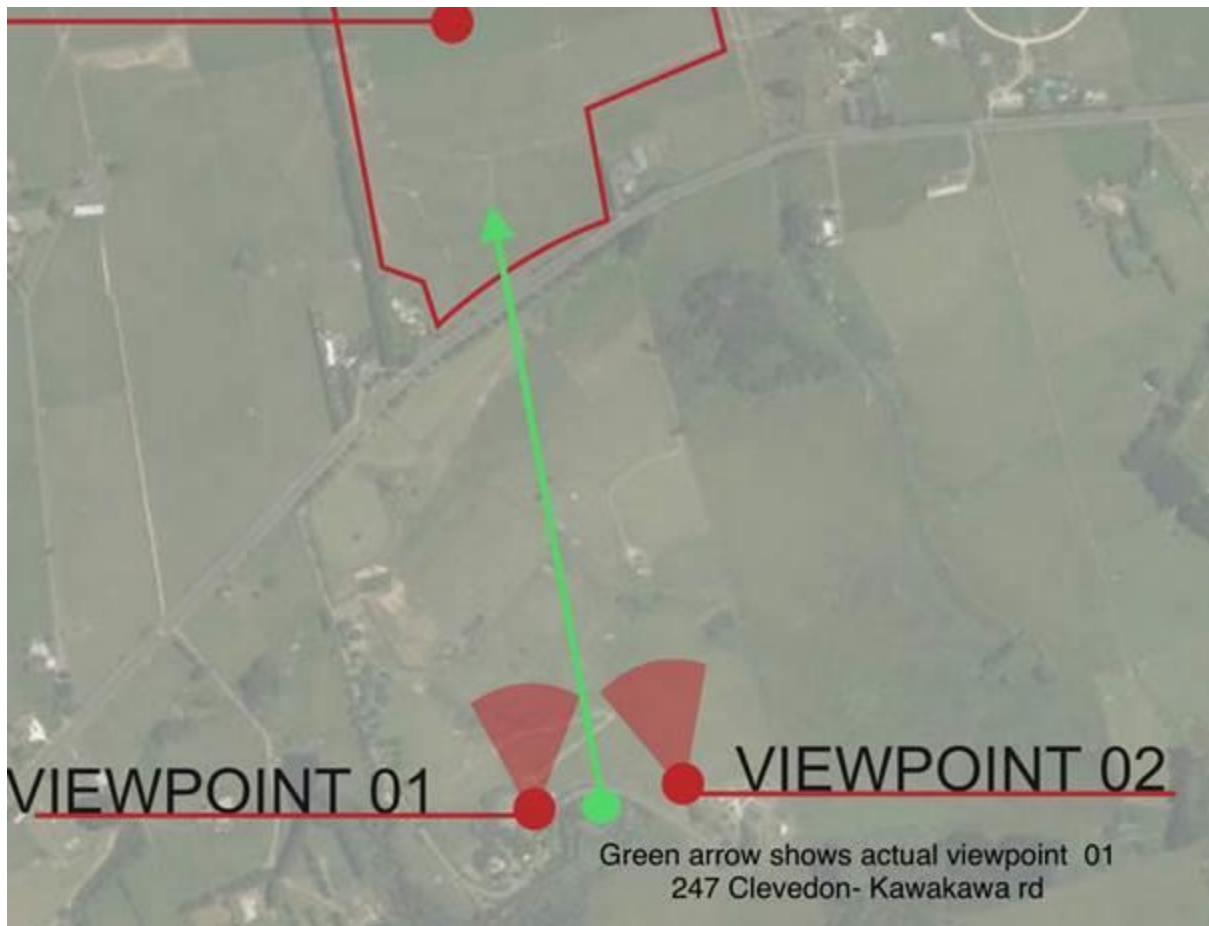
25



Photo A 23/08/20  
247 Clevedon Kawakawa rd.

See above the top photo from appendix 5 is the photo in question..... we have for comparison attached our own photo directly below it taken 23/8/20 which clearly illustrates it can only be taken from 247.

The photo has not been taken from 271 as indicated.



This second aerial photo (appendix-4) makes no reference to our 247 location which we have now included in Green.....

Additional to the disappointment of being incorrectly identified as a party of no significance in the Visual Assessment report we now have had a short period to consider the plan and conclude.....

- 1) Yes, we do have objections to the number of building sites that are planned within our view. A smaller development of building sites in our opinion is far more appropriate
- 2) We have questions related to the use of this land which we have seen under severe flooding on many occasions. If you build houses on all of the high ground, what then happens to livestock presumably still grazing on the remaining lower lying land when the inevitable floods reoccur.
- 3) We are concerned at the inevitable ecological impact to the river that will occur from 11 building projects and then with the ongoing living impact that this many established homes will continue to create.
- 4) The traffic volume assessment dates back to Nov 2018 and we know that traffic volumes have increased since then. Possibly more importantly the Traffic report did not appear to take into account that 850 additional homes are already approved in the Clevedon Village and are under way now which will already have an as yet unseen significant increase in the traffic flow on this road, particularly on the weekend out to Kawakawa bay for boating and recreation. Adding 11 new building sites feeding off one driveway directly onto an increasingly busy 100kmh road is once again potentially more hazardous than we believe the traffic report suggests

We are not opposed to the inevitable Urban spread that is happening within our area or the wider Auckland catchment generally, we in fact embrace it. In this instance however, our opinion is that a smaller number of building sites within the Stratford Properties development would be far more sympathetic to close neighbours, ourselves, the roading system and the environment and be much more in keeping with the surrounding area.

11.1

Yours Faithfully Bernise & Geoffrey Milliken  
247 Clevedon Kawakawa Rd  
Clevedon

The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Ross Johnson

Organisation name: Property owner 202 Clevedon Kawakawa rd

Agent's full name:

Email address: [ross@johnsonfarm.co.nz](mailto:ross@johnsonfarm.co.nz)

Contact phone number:

Postal address:  
202 Clevedon Kawakawa Rd  
Clevedon  
Auckland 2585

## Submission details

**This is a submission to:**

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

**My submission relates to**

Rule or rules:  
N/A

Property address: N/A

Map or maps: N/A

Other provisions:  
N/A

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
Improve the area and better use of uneconomic rural land

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 24 November 2020

## Attend a hearing

13.1

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Netherlea Holdings fully supports plan change 45 and acknowledges it is exactly what people are looking for a home on 3 to 4000 meters of land with a view . Thankyou , Peter Mandeno Director Netherlea Holdings

14.1

[peter.mandeno@xtra.co.nz](mailto:peter.mandeno@xtra.co.nz)

Dear Sanjay

RE Proposed Plan Change 45 (Private) Clevedon-Kawakawa Road

We have no objection to this plan change as we believe the opportunity should exist for those that wish to live in a Rural Environment should be able to do so without the hassle of looking after a larger block, but would like to suggest a further plan change to our property and other Properties on Holdens Road and McNicol Road.

15.1

This is the situation with our property

We are at 81 Clevedon-Kawakawa Road which is less than 1 km from the Clevedon Village is totally 12 hectares currently farmed as a lifestyle property but it is not a viable farming operation with only approximately 9 hectares of grazeable land balance being native trees bush and stream, house sheds and yard area.

The property is flat to gently rolling contour and has significant stands of native bush and trees to which we have added and planted over 4000 additional trees mostly native and the Okauanga Creek runs through the middle

We understand the native trees are remnant forest with some very special species of Rimu and Matai included.

The following are surrounding properties some our immediate neighbours and the others are directly across the road.

The immediately neighbouring properties on Clevedon Kawakawa Road are

Nos 69 of 1.35 Ha 84 2.61Ha 101 2 Ha in Rural Production Zone !!!  
and Immediately across the road

Nos 84 2.61Ha 84A 2.5 Ha 86A 2.29 Ha and 88 8018 M2 (These are included in the Countryside Living Zone)

Also on McNicol road Nos 9 3.89 Ha 12 McNicol (Immediate Neighbour) 1096 M2 and 90 McNicol (an Immediate Neighbour of 20 ha zoned Countryside Living.

We were not a submitter to the Notified Plan but we made a submission to PAUP as per attached acknowledgement letter which stated we would be contacted, but we never were so in my ignorance of procedure I wasn't aware that further submissions were required for AUP.

We were advised because we had not made a submission that our property wasn't considered. Some properties on McNicol Road and Clevedon Kawakawa Road are zoned Country Side Living and they had not made submissions at all to PAUP or AUP.

The Property at 90 McNicol Road have gained Countryside Living with a property bigger than ours and more suitable to Rural Production and further properties of a hundred acres of good productive farmland some kilometres from the Village at 252 Clevedon Kawakawa has been rezoned with development of 6 blocks. The Canal Housing project on North Road has been approved and is to take up far more productive farmland than ours along with the Properties owned by Karaka Harbourside Estates and Clevedon Parish Investments both on Papakura Clevedon Road.

As stated in the Auckland Unitary Plan Hearing Panel..... 408 Clevedon Precinct

"the purpose of the precinct was for the growth and expansion of Clevedon as a rural village with higher densities closer to the centre and lower densities adjacent to the Rural -Rural Production areas"



and also "where the panel considers that landscape effects are the key determinant of the appropriateness of the Rural- Countryside living zone"

Our property would appear fits both criteria and it doesn't seem logical that we are just 1 km from the village and not Included in the Countryside Living Zoning.

A logical boundary for the Countryside living zone I would suggest should be Holdens Road and include McNicol Road also as you will see from the Maps available to you.

The properties range in size 1 ha to 72 Ha of these Three are Horse sport properties the others are too small to graze or grazing is purely carried out to keep them tidy but they certainly dont fit Rural Production zoning as all would be uneconomic for this activity.

At this time we are not actively seeking to subdivide but would just like a realistic zoning

Yours Sincerely  
Bruce Frizzell

[frizzprop@gmail.com](mailto:frizzprop@gmail.com)

**From:** Adam Haycock [Adam.Haycock@aucklandcouncil.govt.nz]  
**Sent:** Monday, 27 May 2013 8:55 a.m.  
**To:** 'frizztrade@xtra.co.nz'  
**Subject:** Acknowledgement Letter - Auckland Council Unitary Plan Feedback

27 May 2013

Bruce Frizzel  
PO Box 195  
Clevedon  
Auckland 2248

[frizztrade@xtra.co.nz](mailto:frizztrade@xtra.co.nz)

Dear Sir/Madam

### **Draft Auckland Unitary Plan**

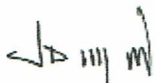
Thank you for your feedback on the draft Auckland Unitary Plan. Your feedback reference number is **4204**.

The next step is that all feedback will be considered to inform the development of the proposed Auckland Unitary Plan. Later this year, council will contact you to advise that consideration of the feedback has been completed and let you know how to access information on the outcome of the feedback received on the draft plan. This information will be publicly available.

Please note that your feedback and contact details may appear in reports that are publicly available. If you have any queries in relation to this matter, or any other unitary plan matter, please contact the Unitary Plan Feedback Management Team at [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or on telephone 09 301 0101.

For further information on the draft Auckland Unitary Plan please visit [www.shapeauckland.co.nz](http://www.shapeauckland.co.nz).

Yours sincerely



John Duguid  
Manager Unitary Plan



# Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Trevor Giles and Dianne Giles

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

P O Box 183  
CLEVEDON, 2248

Telephone:

(09)2929255

Fax/Email:

d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

## Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 45

Plan Change/Variation Name

272, 274 and 278 Clevedon Kawakawa Road – RENOTIFICATION

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

Please see Attached Submission Document

## Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

The reasons for my views are: Please see Attached Submission Document

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation  16.1
- If the proposed plan change / variation is not declined, then amend it as outlined below.

Please see Attached Submission Document

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

D E Gib  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

7<sup>th</sup> December 2020  
Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  / could not  gain an advantage in trade competition through this submission.

**If you could gain an advantage in trade competition through this submission please complete the following:**

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

# Submission

## Submitter details

Mr Trevor Giles and Mrs Dianne Giles

Postal Address – PO Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/ Variation Number: PC 45 (Private)

Plan Change/ Variation Name: 272, 274 and 278 Clevedon Kawakawa Road

### **The specific provisions that this submission relates to are:**

Plan Provision(s):

Private Plan Change 45 (PC45) requesting to **rezone part** of 272 and 278 Clevedon-Kawakawa Road, and all the land at 274 Clevedon-Kawakawa Road **from Rural–Rural Coastal Zone to Rural – Countryside Living Zone.**

The private plan change seeking approval to **extend I408 Clevedon Precinct, Clevedon Village Sub-precinct C**, over the subject land.

Or

Other (specify):

A **subsequent resource consent application** to be lodged for the subdivision of 278 Clevedon-Kawakawa Road (Lot 1 DP146882) to create 11 countryside living lots (Lots 1-11 as per Scheme Plan), 1 shared access, 1 amenity lot, 3 restoration planting zones, a balance farm lot (Lot 14 as per Scheme Plan) and a balance lot (Lot 13 as per Scheme Plan) to be amalgamated with 272 Clevedon-Kawakawa Road.

## Submission

### **I/we oppose the specific provisions identified above.**

The reasons for our views are:

1. That all of the 272, 274 and 278 Clevedon-Kawakawa Road properties should retain the Rural – Rural Coastal Zone, Tamaki-Firth coastal area, as detailed further under the heading **“Rural – Rural Coastal Zone, Tamaki-Firth coastal area most appropriate zone.”**

This zone is considered to be the appropriate zoning based on the property's:

- rural production pastoral activities;
- location within the lower reaches of the Wairoa River and Tamaki-Firth coastal area;
- proximity to the coastal environment and coastal marine area;
- the knoll is part of the natural character and is a natural feature of this coastal environment; and
- Coastal Inundation 1 per cent AEP Plus 1m Control area mapped on the AUP(OIP) GEOMAPS, transforms this knoll into an 'Island.'

The farming activity being undertaken on both 272 and 278 Clevedon-Kawakawa Road is a permitted activity for this zone.

2. The rezoning of this land to Rural – Countryside Living (along with the extension of the Clevedon Precinct, Clevedon Village Sub-precinct C), to enable the subdivision development outlined in the attached notification documents for PC45, is not appropriate. Detailed further under the heading “**Rural – Rural Countryside Living Zone not an appropriate zone.**”

To enable a subdivision development through the Objectives and Policies of the Countryside Living Zone and Clevedon Precinct, Clevedon Village Sub-precinct C, this proposed subdivision development will require multiple resource consents, both Land Use Consents and Subdivision Consents. Many aspects of this development are not permitted activities under the following Chapters of the Auckland Unitary Plan (Operative in Part) ((AUP(OIP)) legislation:

- Chapter E8 – Stormwater – Discharge and diversion
- Chapter E12 – Land Disturbance - District
- Chapter E27 – Transport
- Chapter E36 – Natural hazards and flooding
- Chapter E39 – Subdivision - Rural
- Chapter H19 – Rural Zones
- Chapter I – Precinct – South – I408 Clevedon Precinct.

As a whole or whether the application for resource consents are either discretionary, restricted discretionary or non-complying in relation to each activity status, such a subdivision development should not be considered to be *less than minor*.

Any activity that forms part of the proposed subdivision development outlined in the PC45 notification documents that does not have a permitted activity status, does not comply with the AUP(OIP) legislation, its objectives and policies. Such activities will subsequently require an 'Application for Resource Consent,' to enable this subdivision development under the proposed Countryside Living zoning and Precinct extension over the subject area.

Should Stratford Properties Limited be granted this approval to rezone, as outline by PC45, then an “Application for Resource Consent” is able to be lodged to enable this development.

3. This land is currently and has been historically pastoral land, typically being grazed for either dairying or beef cattle since the 1850’s - 1860’s. This form of farming activity is the most appropriate due to this farm’s location in the lower reaches of the Wairoa River, with cropping or horticulture unlikely to have been considered an appropriate alternative due to flooding and coastal inundation hazards. However, although the farming activity is fairly pre-determined due to its location, it does not equate to the fact that this makes it a non-productive piece of rural land. It may have its challenges, but most farming properties do. As farmers or as rural landowners we have to deal with of pros and cons of rural life. The winter wetness for lower lying land will often result in the land being less likely to suffer as much from a summer drought, with better sustainability and more consistent pastoral growth.
4. Stratford Properties Limited would have us believe that its 272 and 278 Clevedon-Kawakawa Road properties together have limited productive capability or that they are not economic as a farming unit. However, this should be put into context with their original intentions when purchasing these properties in 2006. This is hardly a credible justification, as any perspective landowner within the Auckland region knows how highly priced and rated this land is. On this premise all landowners in this area could use the same uneconomic justification. To allow property speculators to buy up land in this area, then allow them to claim it has limited productive capability and is not economic in order to push through developments, will lead to the demise of this rural community. Perhaps if Stratford Properties Limited’s true intentions and goals were to carry out farming activities long-term, then they should have made a more informed and wiser investment. A cost-benefit analysis should have been prepared before SPL purchased its Clevedon properties as opposed to having one prepared now, to support a short-sighted rezoning and subsequent subdivision development proposal.
5. The proposed subdivision development is based on the rezoning and removal of a large percentage of the 278 Clevedon-Kawakawa Road farmland that sits above the 1% AEP flood plain and Coastal Inundation 1 per cent AEP Plus 1m Control. Most of this area is classed in the “Soil Report” as prime land.  
Three of the many adverse effects of this proposal will be:
  - the reduction of rural productive land (prime or not);
  - to reduce the productive and economic potential of the balance farm lot (Lot 14); and
  - reduce the area that the farm animals have available to safely shelter from flooding events above the flood zone.

6. The proposed PC45 subdivision development will discharge all stormwater run-off (not held within Rainwater detention tanks for actual use) either:
  - directly (or within a 24 hour period for the 10% AEP and 50% AEP rainfall event) onto the pasture of the balance farming lot (Lot 14);
  - via the roadside drain, that flows into the drainage system of Lot 14; or
  - into a watercourse that either flows through Lot 14 or directly into an area that is adjacent to it.

All of this stormwater run-off will be discharged directly into the flood plain during a flooding event.

The stormwater run-off from the many new areas of impervious surfaces from Stratford Properties Ltd.'s 11 house lot development will be in addition to the stormwater run-off from the 9 house lot Countryside Living development located at 252 Clevedon-Kawakawa Road. The Stormwater Management Plan for both developments has been prepared based on the minima of a 10% AEP and 50% AEP rainfall event. Neither of these developments have accounted for or mitigated against the most extreme weather events, being the 1% AEP or 5% AEP rainfall event, as required by TP108. Calculations have been based on pre-determined development impervious surfaces (which are far less than what will be the reality or the maximum building coverage allowance) for the detention, storage, and release of the first 34.5 mm of rainfall over a 24 hour period. Under I408.6.1 the maximum building coverage within Sub-precinct C for clustered lots is 20 per cent over the net site area (net site does not include any access site). When calculated out on a 6000 m<sup>2</sup> housing lot this could equate to an excessive 1200m<sup>2</sup> area that is permitted to be covered in impervious surfaces under the I408 AUP(OIP) legislation.

7. In a 1% AEP and 5% AEP rainfall event, the stormwater run-off from the PC45 proposed development (11 countryside living lots) will be added to the 252 Clevedon-Kawakawa Road Countryside Living development (9 countryside living lots) and pushed ahead as it is added to flood waters from the swollen Wairoa River, streams, creeks and overland flow paths. The most likely path taken will be to flow across the proposed balance farming lot (Lot 14) of the 278 Clevedon-Kawakawa Road development, and directly into our property downstream. Here it becomes trapped by the adjacent stopbank structures to the east and north of our 340 Clevedon-Kawakawa Road property.
8. The low-lying areas of the Clevedon valley are well known to flood during extreme weather events. Every additional impervious surface within this large catchment area adds more stormwater run-off to the flood zone. New impervious surfaces from new subdivision developments will add further to the volume and intensity of flood waters, adversely impacting other properties either adjacent, upstream and/or downstream.



Upstream are the Hunua Dams (largest form of water detention structure in this area), an area from where many of the creeks, streams, and the Wairoa River make their way to converge on the Clevedon area. All too frequently this area experiences the impact and damage caused through flooding as a result of significant weather events. In addition, many of the roads in our district experience levels and volumes of flood water that either encroach on them, flow across them or block them entirely.

Due to the flooding issues experienced in the Clevedon district, we do not believe that such a catchment area or any part of it should be being developed in this way.

9. It is understood that much time and effort had been spent over the past decade to identify an appropriate area of expansion for Clevedon Village and to provision for wastewater removal from the village area. The purpose of this being to set specific boundaries and zoning for the village's sustainable expansion. The boundaries and zoning of Clevedon Village and the wider environs were agreed under the Manukau City Council PC 32 Clevedon Village. PC32 agreed boundaries should have been adhered to when PC32 was incorporated into the draft PAUP and the AUP(OIP) as I408 Clevedon Precinct. During the PAUP process however, the Independent Hearings Panel allowed several changes to be made, one of which was the extension of Sub-Precinct C (Countryside Living Zone) that was brought about by number of submissions made to the Panel. The second was the increase of the maximum building coverage area within Sub-precinct C for clustered lots from 10 per cent to 20 per cent of the net site area.

The Clevedon Precinct (sub precinct C) was extended to include the 252 Clevedon-Kawakawa Road site, immediately to the west of 272 Clevedon-Kawakawa Road. During this process the 252 Clevedon-Kawakawa Road property was rezoned to the Rural - Countryside Living Zone. The 272 Clevedon-Kawakawa Road property owners also submitted (submission # 2367 attached) during this process, to secure the same outcome as the neighbouring property. However, instead it was ruled by the Panel that the Rural – Rural Coastal Zone was the appropriate zoning for the 278 Clevedon-Kawakawa Road property.

PC45 is Stratford Properties Limited's second attempt at getting 272 and 278 Clevedon-Kawakawa Road rezoned, and it is no more appropriate now than it was during the Independent Hearings Panel process.

If the Planner who represented Stratford Properties Ltd (272 and 278 Clevedon-Kawakawa Road – Submission # 2367), Netherlea Holdings Ltd (252 Clevedon-Kawakawa Road – Submission # 2415) and Roscommon Properties Ltd (100, 102, 110 and 150 McNicol Road, 30 Otau Mountain Road – Submission # 2551) feels that the restrictions on time have played a part in the judgements made by the Independent Hearings Panel, then it must raise the question as to why all of the additional land

requested to be included within sub-precinct C during the hearings of the Clevedon Precinct should not also be revisited and reconsidered in greater depth. It would appear that Auckland Council Planners did not support these three submissions, that sought to rezone these properties from either Rural Production or Rural Coastal to Countryside Living, analysing that most of the requests were inconsistent with the Regional Policy Statement and zone objectives and policies.

10. It is of concern that it has been stated that there are disconnected provisions and uncertainty around how certain I408 standards relate to the inclusion of this additional land further along Clevedon-Kawakawa Road. Policy I408.3 (5) seeks to enable clustering of dwellings in areas identified on 1408.10.2 Clevedon Precinct Plan 2. The 252 Clevedon-Kawakawa Road site and the proposed PC 45, 278 Clevedon-Kawakawa Road site are not shown on this plan. If a strict interpretation of these provisions is taken, then can it be concluded by developers that the clustering of dwellings on this part of sub-precinct C not shown on I408.10.2 Clevedon Precinct Plan 2 is not required or encouraged.

It would certainly suggest this is the case, based on the suburban street style subdivisions put forward for both the 252 Clevedon-Kawakawa Road property development and PC45.

It would appear that the I408 Clevedon Precinct AUP(OIP) legislation is open to interpretation. This needs to be addressed by Auckland Council before history repeats. Auckland Council need to ensure that the true intent of Plan Change 32 – Manukau District Plan is adhered to, and developers are not given the opportunity to exploit what appears to be inadequate legislation.

11. A subdivision development should not be a prerequisite in order for landowners to carry out revegetation planting, as long as it does not adversely impact adjacent properties. As Stratford Properties Limited approved the 252 Clevedon-Kawakawa Road Countryside Living development, perhaps in conjunction with that property owner they should be looking at this as an opportunity. In conjunction, these two landowners should help to mitigate the impact of the stormwater run-off along the overland flow path being taken from the 252 Clevedon-Kawakawa Road dry basin pond overflow. At the very least through the revegetation or wetland planting along and around that area there would be a positive for the environment and may help further with stormwater run-off quality and quantity issues from the 252 Clevedon-Kawakawa development.

12. It is disappointing that some of the information that has been collaborated to support PC45 has not been done accurately. Location sites from where “View Points” have been taken are clearly misleading and not an accurate representation of the views from a number of properties.

It is a valid and relevant concern regarding information being incorrectly portrayed. There are other such examples within the reports that have been produced in support of this plan change that are either incorrect or misleading. In addition to this, the scheme plan for the proposed development does not include the dwelling(s) location, stormwater or their wastewater irrigation field details for the proposed farm balance lot, Lot 14. The notification document 'PC45 - Private Plan Change Request' has misrepresented the number of dwellings located on the proposed balance lot 14. The only dwelling disclosed in this document is a 'single-level detached dwelling' for 278 Clevedon Kawakawa Road.

13. Clarification is required around the mapped streams on Drawing 9012/1 Master Landscape Plan (Greenwood Associates – Landscape Architecture), with particular reference to those shown to be mapped in the Restoration Planting Zone C.
14. The streams identified on Drawing 9012/1 are not streams, and as per the AUP(OIP) GEOMAP data for this property are not referenced as streams.
15. '4SIGHT Consulting Figure 2 Freshwater habitat', '4SIGHT Consulting Figure 3 Suggested enhancement and restoration area', and 'Lands and Survey Figure 4: Potential Restoration Areas,' all show two culvert locations. Both of these 'culvert' assets are actually floodgates and are referenced as such on Submission # 2367. These floodgates are essential to keep the salt water out from the Wairoa River.
16. Should Plan Change 45 receive approval to rezone this land area from Rural – Rural Coastal Zone to Rural – Countryside Living Zone, the development of this land would set of level of expectation among other property owners that they should be entitled to do the same. PC45 would set a precedent, that will open up the flood gates for developers to request for further farmland to be rezoned and more developments approved. The result will be many more houses crammed into similar suburban street style subdivisions, with the continued and sad loss of the visual, rural, and natural character of the Clevedon district.

### **Rural – Rural Coastal Zone, Tamaki-Firth coastal area, most appropriate zone.**

1. AUP(OIP) Chapter H19. Rural Zones and their provisions, provide the main framework for the management of subdivision, use and development for rural areas.

**The following are relevant H19.2 Objectives and apply to all rural zones:**

- Prime soil is managed for potential rural production.
- Rural lifestyle development avoids fragmentation of productive land.

- The character, amenity values and biodiversity values of rural areas are maintained or enhanced while accommodating the localised character of different parts of these areas and the dynamic nature of rural production activities.

**The following are relevant H19.2 Policies and apply to all rural zones:**

- Enable activities based on use of the land resource and recognise them as a primary function of rural areas.
  - Enable rural production activities on elite and prime soil and avoid land-use activities and development not based on, or related to, rural production from locating on elite soil and avoid where practicable such activities and development from locating on prime soil.
  - Enable and maintain the productive potential of land that is not elite or prime soil but which has productive potential for rural production purposes, and avoid its use for other activities including rural lifestyle living except where these are provided for or enabled by Policy H19.2.2(5), as follows.
    - Enable a range of rural production activities, and a limited range of other activities in rural areas by avoiding or restricting rural subdivision for activities not associated with rural production in areas other than those subdivisions provided for in E39 Subdivision – Rural.
  - Accessory buildings are a typical feature of the Rural – Rural Coastal Zone, that dot the landscape, particularly where farming activities are the dominant activity
  - Manage the effects of rural activities to achieve a character, scale, intensity and location that is in keeping with rural character, amenity and biodiversity values, including recognising the following characteristics;
    - A predominantly working rural environment;
    - Fewer buildings of an urban scale, nature and design, other than residential buildings and building accessory to farming; and
    - A general absence of infrastructure which is an urban type and scale.
2. The Rural – Rural Coastal Zone, Tamaki-Firth coastal area is stated in the AUP(OIP) to include the mixture of flat land around the lower reaches of the Wairoa River and at Kawakawa Bay, Orere Point and Waimangu Point, separated by the rolling to steep hill country. It states that this coastal area is predominantly pastoral land. This area encompasses rural coastal land from Maraetai south-east to the regional boundary south of Matingarahi on the Firth of Thames.
- The AUP (OIP) H19.5.10.2 states the objectives for this identified coastal area as the following:
- The rural and coastal character and amenity values are maintained.
  - The scenic values associated with the Pohutukawa Coastal environment are maintained.

The AUP(OIP) H19.5.10.3 includes the policies for this identified coastal area as follows:

- Enable rural production activities for their economic and social contribution and for their role in retaining the rural and coastal character of this area.
- Manage the location, type and scale of non-rural production activities along the Pōhutukawa Coast Highway to ensure that the rural character and scenic values are maintained.

Neither the rezoning sought, nor the subdivision development as proposed by PC45 achieve the above Rural Coastal Zone – Tamaki-Firth coastal area objectives.

3. AUP(OIP) E.39.2.(1) states that subdivision of rural land **achieves** the **objectives** of the zone and any relevant overlays.

As the designated zoning for both 272 and 278 Clevedon-Kawakawa Road property is Rural-Rural Coastal Zone, Tamaki-Firth coastal area, the appropriateness of the objectives of that zone should be given the highest level of consideration.

This includes the following:

- Rural lifestyle subdivision is limited across the zone;
- Buildings are of a scale and intensity that do not detract from the zone's rural and coastal character and amenity values;
- The significant relationship between land, freshwater bodies and the coastal marine area and their contribution to Auckland's rural and coastal character is maintained and enhanced; and
- Recognise differences in coastal character in different parts of the zone and manage activities and development to maintain and enhance local coastal character.

AUP(OIP) E39.3.(1) requires provision for subdivision which **supports** the **policies** of the zones.

PC45's proposal to enable a Countryside Living development, as per the Plan Change notification documents as detailed above, is not a permitted activity for the Rural – Rural Coastal Zone, Tamaki-Firth coastal area.

4. Under the 'Activity Table H19.8.2 – number of dwellings and activity status in rural zones' – Rural Coastal Zone, and the identified Tamaki-Firth coastal area, only one dwelling per site has the status of Permitted Activity.
5. Chapter E39.3 (3) Policy states that rural subdivision and boundary adjustments are to be managed and further restricted in the Rural – Rural Coastal Zone to facilitate the use of land for rural production activities.
6. Other relevant AUP (OIP) legislation under Chapter E39 Auckland Wide – Subdivision is listed:
  - E39.2.(8) - Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the area.

- E39.3.(15) – Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.
  - E39.2.(16) – Rural subdivision avoids or minimises adverse effects in areas identified in the ... and Significant Ecological Areas Overlay.
7. The balance farm lot, (Lot 14 under this proposal) will remain zoned as Rural – Rural Coastal, Tamaki-Firth coastal area. It will not be rezoned along with the 8.45 hectares of the 278 Clevedon-Kawakawa Road property to Rural – Countryside Living. As rural production is to be enabled under the Rural – Rural Coastal zoning, the proposal to rezone this 8.45 hectares of mainly higher ground (prime or not) equates to a loss of productive rural land. Private Plan Change 45 is being supported by the premise that this farm has limited productive potential (uneconomic) for Stratford Properties Ltd. However, this proposal places any owner of the balance lot (Lot 14 – 43.55 ha of mainly floodable farmland) in a position that will be less economic and productive than that of the current 272 and 278 Clevedon-Kawakawa Road jointly run farming/rental activity. Not only will there be a lot less of the higher farmland, above the flood plain, but the lower lying land will be left to cope with the stormwater run-off from both Countryside Living subdivision developments (252 and 278). The owners of Lot 14 will also have to deal with large areas of land that will contain restoration zone plantings with SEA overlays across them, as well as the costs associated with being adjacent to these plantings (i.e. fencing).
  8. This PC45 proposal includes a large number of activities that are not classed as “Permitted Activities” under AUP(OIP) legislation, regardless of whether the subject land retains its current zoning or the proposed zoning. This is the case for the property’s current zoning as Rural - Rural Coastal Zone, Tamaki-Firth coastal area, and the proposed zoning change being requested by Plan Change 45 to Rural – Countryside Living, with the extension of I408. Clevedon Precinct, Clevedon Village Sub-precinct C, over the subject land of 272, 274 and 278 Clevedon-Kawakawa Road.
  9. It is clear from the AUP(OIP) legislation that significant landscape elements, rural and coastal character and amenity values, along with scenic values associated with the Pohutukawa Coast environment and key views along identified corridors are to be maintained and retained. The PC45 development (infrastructure and planting of tall trees) will block and impair severely the current expansive views seen across this pastoral land, out across the lower reaches of the Wairoa River and beyond.

### **Rural – Rural Countryside Living Zone not an appropriate zone.**

1. The subsequent proposed subdivision development (outlined in PC45 notification documents) to enable 11 countryside living lots, calculates the density of 1 dwelling per 4 hectares as being applied to the total area (52 hectares) of the land contained

within the property at 278 Clevedon-Kawakawa Road. However, this proposal seeks to only rezone a total of 8.45 hectares to the Rural – Countryside Living Zone (and apply the Clevedon Precinct, Clevedon Village Sub-precinct C to this land) for this countryside living subdivision and development. The 43.55 hectares remaining of the 278 Clevedon-Kawakawa Road property will become the balance farm lot (Lot 14) and retain its current Rural-Rural Coastal zoning.

Therefore, this option requires the balance farm lot (Lot 14) area to validate the countryside living subdivision density area of 8.45 hectares. The AUP (OIP) specifically states that any land outside the Clevedon Precinct cannot be used in the calculation of the average lot size for subdivision (I408.6.4 2(d)).

This plan change is designed to challenge the integrity of this legislation, through the proposal that PC45 should be classed as an exception to a Standard that must be complied with. As the land outside of the Clevedon Precinct must not be used in the calculation of the average lot size (average lot density), this standard should be adhered to.

2. The intensification of the countryside living lots outlined as proposed under the PC45 notification documents has a layout that could resemble that of a cul-de-sac plucked out of urban Auckland. The further development of 11 countryside living lots in this area will result in a situation being created where 22 dwellings plus one shop/dwelling (two storied building) will be located all within a close proximity. The land area relating to these 23 buildings is calculated to be just under 17 hectares, approximately equating to a rate of less than 1 building per 7270m<sup>2</sup>. This dynamic does not fit with the relevant objectives and policies of the AUP(OIP) and will create a small-settlement look, that incorporates two suburban street style subdivisions, rather than the intended clustering look of a homestead surrounded by outbuildings.

This calculation does not include the 272 Clevedon-Kawakawa Road dwelling which is also located down the long driveway, but in close proximity of the most northern countryside living lots for the 252 Clevedon-Kawakawa Road property.

3. The current location of Restoration Planting Zone C, as per Drawing 9012/1, will have an adverse effect on the rural production activities of the 340 Clevedon-Kawakawa Road property (owned and occupied by TL & DE Giles). If Auckland Council decide to apply a terrestrial Significant Ecological Area (SEA) to this proposed Restoration Planting Zone C, the SEA Overlay legislation would then cover an area from the saltwater marsh located just to the north of this restoration planting, to the outward boundaries of the SEA Overlay specific to this proposed Restoration Planting Zone C area. The eastern boundary of the proposed Restoration Planting Zone C runs directly up to and alongside the boundary between the 278 Clevedon-Kawakawa Road property and the 340 Clevedon-Kawakawa Road property for quite some distance. This is estimated to be 200 plus metres, which equates to just under a quarter of the length of this boundary as it runs from Clevedon-Kawakawa Road

down to the Wairoa River. The entire boundary between 278 and 340 Clevedon-Kawakawa Road will need to be resurveyed and refenced where required.

4. All of the restrictive legislation relating to Significant Ecological Area Overlays would be placed across this entire area, including the stopbank and culvert/floodgate. Should this stopbank structure and culvert floodgate not be able to be maintained, the resulting consequence will be the **intrusion of salt water** into this area and the drainage system. This would result in seepage into and saturation of productive soil, killing all vegetation whether it be the native restoration plants or pasture, with only saline (saltmarsh) wetland species being able to survive here. This would create the potential for a saltmarsh area to spread and extend alongside (and beyond) this quarter of the boundary between the 278 and 340 Clevedon-Kawakawa Road properties.

The use of the current Environment Court decision [NZEVC 153] through identified increased potential to create additional subdivision lots through the protection of revegetation planting in this instance is unacceptable, as it will have an adverse impact on our property in this area. It would appear that this plan change wishes to progress on the undertaking of enhancement works of riparian edges and the placement of SEA overlays over the area, possibly to access additional Transferable Rural Site Subdivisions confirmed as a mechanism for Rural-Countryside Living Subdivisions. Transferable titles sourced from these restoration zones beside SEA overlay areas and on land that is not determined to be prime, could give the right to subdivide being generated in a rural zone, but with the actual title being created in a Countryside Living Zone, with specific overlays that allow them to generate additional subdivision rights on those properties. For example, a 2 hectare area of significant wetland revegetation will provide for three transferrable titles.

5. The proposed location of Restoration Planting Zone C should be relocated to an area where it would further mitigate the adverse effects from stormwater run-off from impervious surfaces and any other human impacts that may result from such a proposed housing development. The proposed current location is at the furthestmost point north/east from the area proposed to be rezoned on the 278 Clevedon-Kawakawa property. The current proposed location of Restoration Planting will not contribute at all towards any mitigation of adverse effects that will result from the proposed Plan Change 45 land area to be rezoned from Rural – Rural Coastal Zone to Rural – Countryside Living Zone. Considering the closeness of this site to the Wairoa River, all restoration planting should be between the site and the watercourses that take the stormwater run-off toward the River environment.
6. Any plan changes and subsequent resource consents such as PC45 should include an appropriate provision or legal mechanism to protect the continued use of vital existing infrastructure. It is imperative that both the floodgates and their respective stopbank structures are provisioned for, by ensuring that they are able to be



maintained at all times in a suitable operating condition. Their purpose is to **prevent salt water** from the Wairoa River being able to flow onto productive land and to stop the depletion of any part of the farmland's productive capabilities.

7. This proposal (in addition to the 252 Clevedon-Kawakawa Road development) will allow for two private access roads within a distance of less than 400 metres of each other, located on the northern side of the public road. The construction of both of these private roads are out of character for this rural location. The location of entry/exit point to the main arterial road for neither of these subdivisions comply with the RTS 6. There are five other culverted existing entrances between these two new private roads.
8. The resulting development that would be enabled through PC45 seeking a zone change at this location, will result in:
  - two out of character white concrete private access roads (complete with out of character white concrete vehicle crossings/culverts);
  - five culverted entry and exit points;
  - 1 two storied shop/dwelling;
  - at least five dwellings located alongside the main public road that are visible; and
  - the existence of at least seventeen other dwellings and infrastructure that potentially could be visible, depending on the success of the landscape screening.

Chapter E39.3(24) states the requirement that subdivisions avoid creating ribbon development along public roads, or multiple access points that may adversely affect the character or amenity values or the adequate functioning of rural roads. This development will add to what could only be described as a ribbon housing pattern along this northern stretch of Clevedon-Kawakawa Road (also a part of the Pohutukawa Coast Highway and the Pacific Coast Highway). The above numbers do not include the 294 Clevedon-Kawakawa Road property which is also in close proximity to this area.

This is in stark contrast to the housing pattern on the southern side of the Clevedon-Kawakawa Road. Along these sections of this road there are no houses built on the opposite southern side, anywhere near this public road. This includes along the stretch of straight road passing the 252 Clevedon-Kawakawa Road entrance and the stretch of straight road passing the 278 Clevedon-Kawakawa Road property.

The placement of countryside living developments (the 252 Clevedon-Kawakawa Road development to the west and the proposed 278 Clevedon-Kawakawa Road PC45 development to the east) either side of the existing buildings in this area, increases the development along this section of the road from approximately 170

metres to 410 metres. This has more than doubled the area of development adjacent to the public road.

This does not account for the adverse effects being created through the depth of these two countryside living developments, being at least 400 – 500 metres.

Historic subdivision of farms is no justification to support this development or do so in a way that it will somehow minimise the perceived level or extent of the change that will be brought about from such an out of character development. To allow two countryside living developments within such close proximity of each other, would create an unacceptable adverse cumulative effect on the rural and natural landscape character values of this area.

None of the above points are the intent of the Countryside Living legislation, that of the Clevedon Village Precinct – Sub Precinct C, or any Rural Zone.

9. The number and spacing of the driveways along this public road must put into question the report produced to support the Traffic Assessment. The reality is that traffic numbers can be made to fit the developers preferred scenario. Having lived on Clevedon-Kawakawa Road for many years, it is hard to believe some of the statistics used to justify that this new private accessway is located appropriately. Or that vehicles can enter or leave in a safe and convenient manner without causing undue adverse effect on the safe and efficient operation of the public road network. The location of the vehicle crossing does not meet the RTS 6 standard (NZ Standard) for an arterial road of 250metres for a 100km/h 85<sup>th</sup> percentile operating speed. Neither does the location of the 252 Clevedon-Kawakawa Road vehicle access crossing into the subdivision development.

It was confirmed that the sight distances at the proposed vehicle crossing were 220 metres in both directions.

There have been four recorded accidents in the 5 year period between 2014 – 2018 within a 500 metre distance of this proposed private road vehicle access. Two involved a vehicle being rear-ended, one of which had slowed to turn into a driveway.

Clevedon-Kawakawa Road (part of the Pohutukawa Coast Highway and Pacific Coast Highway) is already a very busy road that accommodates traffic moving at high speed, on roads that are not adequate to cope with movements on and off the main two-lane carriage way.

Many of the vehicles that travel along this road include horse transporters, vehicles towing boats, horse floats or trailers, caravans, tractors, along with large volumes of

trucks or trucks and trailers carrying heavy loads. This impacts on the safety of all road users, including cyclists, especially when there is either none or very little room along the side of this section of the road to accommodate for slowing and turning traffic into such developments. If the entrance to this development was to be constructed in the same dangerous manner as has been allowed for the 252 Clevedon-Kawakawa Road Countryside Living development, then this will only add to the possibility of accidents.

Auckland Council/Auckland Transport appear to have little intention to upgrade the dangerous roads or the narrow dangerous bridges within the Clevedon area. This is despite the thousands of vehicles movements that will be the result of the Clevedon Precinct and the Sub-Precinct developments that will add to the current numbers. Many of the roads within this catchment are affected by flooding when they struggle to cope with the volumes of stormwater during extreme weather events. This makes them dangerous and too often impassable for vehicles, which endangers public health and safety.

10. PC45 suggests that this proposed development would provide a true demarcation point for the Countryside Living Zone in this area. However, the true distinction here lies with the coastal terrace, of which the 'knoll' proposed to accommodate 8 house lots is not part of. The ridge area on the top of the 'knoll' in fact is better recognised as an 'island' in a paddock due to the impact this flood plain and coastal inundation has around it. The Auckland Council GEOMAP illustrates this.

The 272 Clevedon-Kawakawa Road property (Lot 1 DP33480) provides more than an appropriate defensible boundary. The 272 Clevedon-Kawakawa Road property lies almost entirely within the area that is impacted by both the AEP 1 % flood plain, and also Coastal Inundation 1 percent AEP Plus 1 m Control. Only a small part of the driveway at the southern end of Lot 1 DP33480 is not impacted by floodwater during extreme weather events. The total land area proposed to be rezoned under PC45 from Lot 1 DP33480, 272 Clevedon-Kawakawa Road (property's driveway) is stated to be 7336.02 m<sup>2</sup>, of which only around half of this sits outside the flood plain and coastal inundation areas identified. This equates to approximately 2 % of the total land area of 15.1251 hectares for Lot 1 DP33480 (apart of 272 Clevedon-Kawakawa Road) that is outside of the AEP 1% flood plain and Coastal Inundation 1 percent AEP Plus 1 m control.

The established shelter belt that lines either side of the 272 Clevedon-Kawakawa Road driveway reduces the visual impact from the east of the 252 Clevedon-Kawakawa Road development. The 278 Clevedon-Kawakawa Road proposed development cannot claim the same reduction on visual impact from the east. These trees also make a clear distinct defensible boundary between the 252 Clevedon-Kawakawa Road Countryside Living development and the wide expansive view that opens up across the lower reaches of the Wairoa River. These views are first

experienced from the roadside boundary at the south/western corner of the 278 Clevedon-Kawakawa Road property by vehicles travelling eastward along Clevedon-Kawakawa Road. This includes the unique knoll that is clearly visible, being a natural and rural feature that adds to the character of this location.

11. Although, as the owners of the 340 Clevedon-Kawakawa Road property, we would be unable to see this development from our house, once we step out onto our farm there will be no escaping the line-up of hard standing infrastructures facing our direction to capture the views on offer. As a result, our views directly to the west will be stripped of their current rural character, natural character and their amenity, through this dominating presence of eleven houses elevated above the floodplain. Add to this the likelihood of a retaining wall being constructed along the side of the steep northern and eastern slopes of this knoll, and then the eye sore that will be expected to be endured by the 340 Clevedon-Kawakawa Road property will be amplified.

We do not agree with the Greenwood Associates report's assessment of "very low – less than minor" in relation to the effects on the 340 Clevedon-Kawakawa Road viewpoint. We also do not believe that it is warranted that every little piece of high ground currently used for farming activities around us should be swallowed up for housing developments.

12. The expansive landscape views, as seen from Clevedon-Kawakawa Road, out across the flood plains of the lower reaches of the Wairoa River, toward the Hauraki Gulf will be severely impacted. The current openness of this landscape will become significantly impaired, mainly through the greater level of urbanisation brought into this setting through this proposed subdivision development. The obstruction of these expansive views will also be impacted adversely from the public road under PC45 by the proposed planting of tall trees. These views should be protected from such a development due to the sites location within the lower reaches of the Wairoa River, and the appropriateness of the AUP(OIP) legislation for the Tamaki-Firth coastal area.
13. Despite any conclusions reached within the supporting notification documentation for this proposed development, the reality is that the visual amenity, landscape character values, natural character, rural character and amenities that are currently experienced by the public and most neighbouring property owners or occupiers will be adversely affected.
14. Should PC45 realise this rezoning of the approximate 9.9 hectares of subject land to Rural – Rural Countryside Living, including the extension of the I408 Clevedon Precinct, Clevedon Village Sub-precinct C, a multitude of resource consents will be required to be granted under the RMA 1991 by Auckland Council. The necessary resource consents would include both Land Use Consents and Subdivision Consents.

These resource consents are required for activities that are not permitted under the AUP(OIP) through their activity status of either being a Discretionary, Restricted discretionary or Non-complying activity.

15. The stormwater management approach outlined in the PC45 notification documents states “will provide for mitigation through the use of stormwater rain tanks for attenuation of roof water run-off for the 2 year and 10 year ARI. Stormwater run-off from all paved surfaces on each of the lots will be discharged through level spreaders onto pasture and/or sheet flow into the nearby water course.”

As is the case with the recent consented countryside living subdivision and development in 252 Clevedon-Kawakawa Road, this stormwater management plan ignores the location of these countryside living developments and the addition of large areas of impervious surfaces being directly adjacent to the 1% AEP floodplain and an area that is subject to Coastal Inundation 1 per cent AEP plus 1m Control – 1m sea level. In locations such as these the TP108 objectives for managing stormwater with regard quantity, specifies that “the primary water quantity objective of treatment devices is to match the pre-development and post development peak flow rates for the 50%, 10% and 1% Annual Exceedance Probability (AEP) rainfall events.” To not have a Stormwater Management Plan that provides the matching of the post-development to the pre-development 1 % AEP rainfall event will see the excess stormwater run-off from these additional impervious surfaces during a 5% and 1% AEP event, either being discharged directly into the flood plain, via the road side drain, onto the Lot 14 farm balance lot pasture area, watercourse or overland flow path.

16. Stormwater management detention plans should be based and calculated on a 1% AEP rainfall event and based on higher more realistic areas of impervious surfaces. This is imperative to ensure that post-development flows do not exceed pre-development flows, due to the close proximity of these sites to the 1% AEP floodplain and Coastal Inundation 1 per cent AEP Plus 1m Control. Currently Auckland Council is allowing such Developers to calculate and implement these stormwater management plans at an inappropriate rainfall event level of 10 % AEP (10 % ARI), that are being based on impervious surface areas that are clearly underestimated. The Clevedon district, its livestock, wildlife, ecosystems, infrastructure, and buildings which exist within Clevedon’s vast floodplain area, require better protection from such inappropriate developments and their inadequate Stormwater Management Plans.
17. Developments allowed within this large catchment area alter stormwater volumes and flows that adversely have an impact on other properties either upstream or downstream. Such potential will be influenced by the unpredictable and uncontrollable nature of the weather and other variables experienced during any one individual extreme weather event. Any stormwater (and contaminants) that is

unable to be collected and stored from impervious surfaces within the catchment area during any such weather event, will ultimately be dispensed much faster into overland flow paths, waterways and the floodplains. If the water tanks are full, then it is obvious that there is only one place the stormwater overflow is going for this development, directly to the floodplain.

18. Chapter E36 outlines the AUP(OIP) legislation around environmental risks due to natural hazards, flooding and overland flow paths. At times most of this development will be surrounded by flood waters. What is classed as a permitted activity under E36 is crucial in such a sensitive rural coastal zone and it should be being adhered to.
19. The Clevedon Precinct legislation includes the following stormwater run-off and flood hazard policies:
  - Policy I408.3.(8) Requires stormwater run-off to be collected, treated and disposed of in a way that avoids, remedies or mitigates adverse effects on adjacent sites or sites upstream or downstream in the catchment area.
  - Policy I408.3.(10) Ensure development does not increase adverse effects I408.3.8 experienced upstream or downstream of the site, taking into account the hydrological characteristics of the catchment and the vulnerability of activities within them.
  - Policy I408.3.(3)(d) protect water quality and ensure that the rate of run-off throughout the development cycle is similar to pre-development levels.
20. The car park proposed by this plan change is not only located within the floodplain but has an overland flow path running diagonally across it. Placing a car park in an area so close to the Wairoa River is not in keeping with the Countryside Living legislation that relates to walkways and trails. Why would it be necessary for the residents of this new development to take their cars down to the river, instead of enjoying a nice walk down to and along the Wairoa River esplanade reserve.
21. This coastal environment, its wildlife and the floodplains need to be protected from such development. It is hard to understand why Auckland Council seems intent on sanctioning new subdivision developments anywhere near the Wairoa River or its tributaries. The river's environment, delicate eco system and the Hauraki Gulf will only become increasingly impacted by human behaviour and their lack of care through such proximity.

With consideration to the above information we seek the following decision by Auckland Council:

**Decline the proposed plan change/ variation.**

We wish to be heard in support of our submission

We could not gain an advantage in trade competition through this submission.

The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Brendan Kingsley Vallings

Organisation name:

Agent's full name:

Email address: [brendan.vallings@xtra.co.nz](mailto:brendan.vallings@xtra.co.nz)

Contact phone number: 0211201870

Postal address:  
140 North Road,  
RD 2 Papakura  
Auckland 2582

## Submission details

### This is a submission to:

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

### My submission relates to

Rule or rules:  
Please see my attachment

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
Please see my attachment

I or we seek the following decision by council: Decline the plan change

Submission date: 14 December 2020

Supporting documents  
PC45 vallings reasons.pdf

## Attend a hearing

17.1



Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## PLAN CHANGE 45

Attachment to submission by Brendan Vallings.

I oppose the proposed plan change. My reasons are as follows:

- A. The proposed change does not comply with many of the Auckland Unitary Plan Policies and Objectives, in particular H19.2.2. (1), (4), (5); H19.2.3.(1). H19 2.3.(1), 2.4.1 (a) and (b): 19.5 (1). (2). (5). (5 to 8).
- B. PC 45 Appendix 11, Land use capability, and Clause 23 responses omit forestry as potential land use. Several forestry options would be viable land use “able to work as intended or able to succeed”. For example:
  - 1. Trees such as kahikatea and pukatea thrive in wet soils and, if planted and managed as a plantation for timber production, would be viable.
  - 2. Manuka has the potential to provide an income from the production of honey.
  - 3. A wide range of trees, particularly native species, have the potential to earn income from carbon credits (ref: [mpi.govt.nz/forestry/forestry-in-the-emissions-trading-scheme](http://mpi.govt.nz/forestry/forestry-in-the-emissions-trading-scheme)) .

Using the land for native trees and other plants would enhance the character, amenity and biodiversity values as prescribed in Unitary Plan H19.2.3.1, H19.2.2 (4&5) H19.5.2 (1) and b.

- C. In my view, decisions to allow Plan Changes such as this seriously diminish the integrity, values and purposes of the Unitary Plan. This imposes rules which all individuals are required to follow and at the same time entitle them to expect all other citizens and organisations to be fully compliant with the Policies and Objectives without good reasons validated by specific provisions detailed in the Unitary Plan.

I submit that the application for this Plan Change has no valid reasons. It seems to me the sole motivation of the applicant for this Plan Change is simply financial gain. I see nothing in the proposal that will contribute in any way to the character, amenity and biodiversity values of Clevedon that are enjoyed by both residents and the many visitors who come to enjoy the present rural character which the Unitary Plan decided to preserve.
- D. The Policies, Objectives and provisions detailed in the rules enable individuals and organisations to make their own plans for many years ahead: for individuals – where to live, bring up their children, work, recreate and retire. The Unitary Planning process was a fair and democratic process in which every citizen, including the applicants for this plan change, and every organisation had the opportunity to make submissions. These were taken into account with input from many experts, resulting in the present zoning. No change to the land in this application have taken place since the UP became effective, so no change in zoning can be justified.
- E. If this Plan Change is given approval it will create a precedent, encouraging further applications resulting in more rural land being used for housing so further contravention of the Policies and Objectives of the Unitary Plan. If Plan Changes that do not comply with the Policies and meet the Objective are allowed, then many ordinary citizens, locally and Auckland wide, will be adversely affected because of the aspirations of one or a few individuals.

- F. In my view, the process of making changes to the Plan is strongly and unfairly in favour of the applicant because many individuals, like me, who are directly affected by this plan change lack the expertise, or the funds to pay for experts to counter the proposals and support their own particular cases so are hugely disadvantaged when opposing applicants who are incentivised by substantial financial gains and have funds to engage very costly resources. To be fair to everyone, Plan changes should be considered by the full range of experts that were involved in the original process, so that a wider range of expertise, for and against applications are heard. The very significant changes to the Unitary Plan already conceded to developers of 52 North Road, in spite many submissions by individuals opposing the changes, cause me and many of my acquaintances to doubt if their time and effort in making a submission is worthwhile.
  
- G. There will adverse environmental effects of additional traffic from residents and services for 11 additional households, with no public transport available. Clevedon is not an area recommended for intensification and residents will need to rely on their own vehicles.
  
- H. The proposed area is outside the area to be serviced by mains water and wastewater reticulation. There is potential risk of contamination of the Wairoa River by waste water from the proposed housing following deluges.
  
- I. The runoff from the impervious services, the exhausts from vehicle, mowers and other machinery will add to the contamination of the ecology and atmosphere.

The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Clevedon Community and Business Association

Organisation name:

Agent's full name:

Email address: [secretary@clevedon.co.nz](mailto:secretary@clevedon.co.nz)

Contact phone number: 0275383844

Postal address:

## Submission details

### This is a submission to:

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

### My submission relates to

Rule or rules:

The Plan Change in its entirety.

Property address: The Plan Change in its entirety.

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The reasons for our submission are:

1. Zone boundaries need to be clearly defensible. The CCBA is concerned that the proposed extension to the Clevedon Precinct does not have clear defensible boundaries and that this will lead to further piecemeal extensions to the Clevedon Precinct, with resulting adverse cumulative effects.
2. The boundaries of the Clevedon Precinct were originally determined through a robust planning process in 2009-2012 which resulted in Plan Change 32 to the then Manukau Operative District Plan 2002.
3. Landowners submissions to the Proposed Auckland Unitary Plan resulted in extensions to the boundaries set through the Plan Change 32 process.
4. These extensions were opposed by the reporting planner, but upon hearing the submitter's evidence, were supported by the Independent Hearing Panel.
5. The CCBA is concerned that these recent extensions to the Clevedon Precinct have resulted in new boundaries that are difficult to defend. The CCBA considers that further extensions should be

considered in a holistic manner, and as with Plan Change 32, clearly defensible boundaries set.

The decision we would like the Council to make is:

We request that Council decline the proposed plan change as set out in the application documents.

18.1

In the alternate, we request that if Council are of a mind to recommend that the proposed plan change is approved, that the issue of defensible boundaries is addressed in the decision, and a defensible boundary applied.

18.2

I or we seek the following decision by council: Decline the plan change

Submission date: 15 December 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Mary Whitehouse

Organisation name: Clevedon Cares Incorporated

Agent's full name:

Email address: [info@clevedoncares.co.nz](mailto:info@clevedoncares.co.nz)

Contact phone number: 021 614499

Postal address:

## Submission details

### This is a submission to:

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

### My submission relates to

Rule or rules:

The entire proposed plan change - please refer to attached document

Property address: 272, 274 and 278 Clevedon Kawakawa Road, Clevedon

Map or maps:

Other provisions:

Please refer to attached document

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Please refer to attached document

I or we seek the following decision by council: Decline the plan change

Submission date: 15 December 2020

Supporting documents

Clevedon Cares submission to PC45 notified.pdf

## Attend a hearing

19.1

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



## **Submission by Clevedon Cares Incorporated to a Private Plan Change PC45 (Private): 272, 274, and 278 Clevedon Kawakawa Road**

### **The reasons for our submission are:**

Clevedon Cares Incorporated is a community organisation, formed in 2005 with the stateid aim to preserve the rural nature of Clevedon Village and Valley. The Society is concerned that the zone change and consequent extension to the Clevedon Precinct proposed by this Plan Change has the potential to encourage more applications on rural land surrounding the village, resulting in adverse cumulative effects. Additionally, the subdivision layout proposed is more akin to an urban-style hamlet than the low density countryside living envisaged by the Clevedon Precinct in the Unitary Plan (Section I408).

### **Clevedon Cares Opposes this Application**

This submission relates to the application in its entirety, especially, but not limited to the following:

1. Much time and effort has been spent over the past decade on identifying the area of expansion of the Clevedon Village to provide wastewater to the existing village and to set boundaries and zoning for such expansion. These were agreed under Manuaku PC32 Clevedon Village and then incorporated into the draft PAUP as section I408 Clevedon Precinct, with “defensible boundaries”, mostly the Taitai Stream and Wairoa River.
2. Land at 252 Clevedon Kawakawa Road, adjacent to 272 (the land in this application) was not part of PC32 but was brought in as Precinct C during the AUP Hearing process, despite Council Planners recommending against it. Clevedon Cares had opposed both that application and one on McNicol Road, and the one for the property which is the subject of this Plan Change. The basis for the opposition was due to the extension of Precinct C (Countryside Living) beyond the boundaries which had already been agreed. We considered these extensions unnecessary and inappropriate given the extensive consultation which had occurred for PC32 and the provisions for Countryside Living in other areas with easier access to the Village “core”. The bridge over the Wairoa River, we believed, formed a natural and obvious defensible “gateway” boundary to the village. However, the Independent Hearing Panel recommended the inclusion as Countryside Living of all the land (not only 252) on the Northern side of Clevedon Kawakawa Road from the bridge to number 252. Under the PAUP most of that land, including 252, was “rural production” not “rural coastal”, whereas land from 272 onwards was “rural coastal”.



3. The Rural Coastal zone starts at 272, with good reason as this is low lying land much of which is subject to flooding and coastal inundation. The 68ha of land at 272, 274 and 278 Clevedon Kawakawa Road is all zoned rural coastal under which the minimum average site size for subdivision is 50ha and the minimum site size is 40ha, indicating that the land could be subdivided into a total of two lots.
4. This application is to rezone 9.88ha of the land which is the only land not in the floodplain, to Clevedon Precinct C (Countryside Living) with 11 lots, which will substantially exceed the subdivision allowed on rural coastal land. It would also greatly exceed the Clevedon Precinct C provisions of 1 dwelling per 4ha (I408.6.5.1) and even the AUP Countryside Living provisions of minimum net site area of 2ha (E39.6.5.2.1). The applicant wishes to have an amendment to I408.6.5.1 to make an exception for the minimum site size to be met for this 9.88ha to be “not exceeding 12 dwellings on Lot 1 DP 146882” (Plan Change Request Statutory Assessment report pp6-7 and pp16-17) so that the calculation instead becomes 1 per 4ha taken over the entire area of the property. We consider that this is not what was intended by the AUP and Clevedon Precinct for Countryside Living. Further Clevedon Precinct C standard is for clusters of a maximum of 5 dwellings (I408.6.4(g)) which is less than proposed over the proposed Countryside Living zone in this application.
5. We consider that rezoning any part of this land to Countryside Living and including it in Precinct C will set the expectation that other properties on both sides of Clevedon Kawakawa Road, and other roads around Clevedon village, can do the same. One of the purposes of the AUP was surely to have some certainty around zoning and to try to avoid rural land being subdivided excessively and in an ad hoc manner as has been happening for the last decade and more around the wider Clevedon area.
6. Additionally, the proximity of the proposed dwelling, especially in the larger group proposed of 8 dwellings, will appear as a mini urban settlement close to the road and the other dwellings proposed near the road will give a ribbon development appearance. The concept of small clusters well separated was not only to avoid a proliferation of 4ha blocks, but also to minimise the urban look. A small cluster is more in keeping with something that might develop over time, such as a homestead surrounded by outbuildings.
7. The suggested environmental benefits, such as wetland and planting could all be achieved without an intensive subdivision. We are concerned also about the potential effects of stormwater runoff on land which already floods, the ability of the land to cope with on-site wastewater discharge, and potential detrimental effects on the Wairoa river.

8. We are concerned that the proposed driveway to the larger countryside living zone will be yet another access on to the fast section of the road, and suggest that an existing access could be used instead of creating a new one.
9. We consider that this plan change will affect the amenity values of neighbours with additional lighting and noise as well as visual outlook.

**The decision we would like Council to make is:**

Clevedon Cares requests that the application is declined.

In the alternate if the application is granted in whole or in part, Clevedon Cares requests that the following conditions are applied:

- a. A new defensible boundary to Clevedon Precinct is applied
- b. If any part of the site is rezoned to Clevedon Precinct C/Countryside Living, the minimum site area and clustering provisions of Clevedon Precinct C are adhered to in accordance with the area of the rezoned land.
- c. That the application for subdivision consent is publicly notified
- d. Public access trails are provided, generally in accordance with those in the Clevedon Precinct and as encouraged in the AUP
- e. Public access to the riparian margin and the Wairoa river is provided, including a jetty
- f. Wetlands and other environmental enhancements are undertaken, including planting to reduce the visual impact of any countryside living zone.
- g. Lighting and roading are designed to be in keeping with the rural environment to minimise the look of an urban development

19.2

# Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Hele Gray

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

218 Clevedon-Kawakawa Bay Road  
Clevedon RD5 Papakura 2585

Telephone:

021347739

Fax/Email:

emnhgray@gmail.com

Contact Person: (Name and designation, if applicable)

## Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 45

Plan Change/Variation Name

272, 274 and 278 Clevedon Kawakawa Road – RENOTIFICATION

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

## Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

20.1

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

The reasons for my views are:

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter  
(or person authorised to sign on behalf of submitter)

Date

15.12.20

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  /could not  gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Caroline Greig

Organisation name:

Agent's full name:

Email address: [cgreig@xtra.co.nz](mailto:cgreig@xtra.co.nz)

Contact phone number: 092928745

Postal address:

9 McNicol Road

Clevedon

R D 5 Papakura 2585

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

**My submission relates to**

Rule or rules:

Auckland Unitary Plan, especially Clevedon Precinct

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I found the above question "do you wish to have the provisions you have identified above amended" confusing - didn't fully understand what was meant. I have assumed it means do I want the AUP changed for PC45 in which case that is a definite no.

For reasons see attached file. Setting a precedent causing a loss of integrity in AUP; adverse effects on environment and community

I or we seek the following decision by council: Decline the plan change

21.1

Submission date: 17 December 2020

Supporting documents  
PC45 submission Dec 2020.pdf

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

PC45 submission

**I, Caroline Greig, Oppose this Application**

My submission relates to the application in its entirety, especially, but not limited to the following:

The AUPOP Clevedon Precinct Plan reflects the feelings and wishes of many Clevedon locals and came about through much consultation and discussion over many years.

The different Precinct zonings in the Clevedon area are a response to not only the different living needs of the community but also the conditions specific to the area (such as, amongst others, the lack of a community wastewater system and Clevedon's being in a flood plain).

The Clevedon Precinct Plan in the AUP allows for growth of the area along planned lines. The community strongly support keeping to those plans (as evidenced most recently by the response of the community to changes sought by 52 North Road Development).

Many in the community, myself included, do not want the integrity of the Clevedon Precinct plan undermined by a few individuals seeking to bend or change the rules for their own financial gain especially when this comes at the expense of the community.

The PC45 application comes very much under this description. If this plan change is allowed it will open the door to other similar applications. Their argument ("that this is the most efficient and effective planning approach to achieve a more sustainable use of their land from both an economic and environmental perspective") can be used by any other landowner seeking to develop their property.

The purpose of the AUP was to guide development in appropriate areas and also guide the type and intensity of that development.

PC 45 seeks to not only change the zoning from Rural-Rural Coastal to Rural – Countryside Living (Precinct C) but also to further change the density of housing allowed. While having less than 20% of the site useable for building (more than 80% being within the flood plain) the applicant wants to use the land area of the entire site, rather than the useable area, when calculating housing density. The applicant then seeks to further increase the density of cluster housing well beyond that permitted in the plans. This will give the proposed cluster of houses a distinctly urban feel, at complete odds with the surrounding rural land.

This urban pocket would give other developers opportunity and support to argue for their also being allowed to do the same.

If this is permitted I believe the integrity of the AUP will be lost and in effect it will be "open slather" for other development not only in the Clevedon area but also Auckland-wide, as others seek to follow this lead.

The applicant argues that PC45 there will have positive environmental effects because there will be a reduction in adverse environmental effects arising from agricultural use, including reduced fertiliser use and effluent creation. They have failed to consider that effluent creation from small farm animals (which they say are the animals in use here because of the pugging caused by larger animals) is considerably less than larger animals such as cows. They also fail to mention that with all the new housing and the lack of connectivity to reticulated wastewater, there will be run off from septic tank overflow into the Wairoa River, as well as other contaminants from the increased roading and driveways.

With the likelihood that other landowners will also seek to use this plan change (if allowed) to develop their land, those environmental effects as well as others, such as increased light pollution and increased traffic issues, will increase even further and the effect will be far more than minor.

The cost to benefit analysis seems to list little of benefit to the community, with the main benefit of the proposed plan change appearing to be pretty much limited to being a one-off income source for the landowner. As far as costs go these are covered very lightly. This plan change will adversely affect the amenity values of not only neighbours of this plan change but also many in the community.

**The decision I would like Council to make is:**

I seek that you decline the application.



The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Mary Whitehouse

Organisation name:

Agent's full name:

Email address: [mwhitehouse017@gmail.com](mailto:mwhitehouse017@gmail.com)

Contact phone number: 021614499

Postal address:

2582

### Submission details

**This is a submission to:**

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

**My submission relates to**

Rule or rules:

The Plan Change in its entirety

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I don't understand the "provisions" choices. I am opposing the Plan Change in its entirety and haven't identified specific provisions, so I don't know what you are asking me to support/oppose or amend - very confusing. Similarly I don't know what address you want - mine? or the Plan Change address?

Please refer to attached document.

I or we seek the following decision by council: Decline the plan change

22.1

Submission date: 17 December 2020

Supporting documents  
Mary Whitehouse attachment to submission to PC45.pdf

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Attachment to submission by Mary Whitehouse to a Private Plan Change PC45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

I oppose the Plan Change in its entirety

The Reasons for my Submission are:

1. This is a Plan Change to a Rural Coastal Zone, in which very limited subdivision may be allowed under the operative AUP, whereas the application seeks to rezone part of the land to Countryside living for an 11 lot subdivision, which is considerably different in terms of adverse effects.
2. I was amongst a number of local people who spent considerable time and effort in formulating the "Plan for Clevedon Village" which was agreed under Manukau City Council as PC32, with a "defensible boundary". PC32 was intended to allow expansion of the Village to "fix" the wastewater problems in the existing Clevedon village, by allowing some expansion of the village and surrounds, including some "countryside living" areas which would not be serviced with the reticulated wastewater system. The intention was for a compact village in a rural setting, not with a large number of 2-4ha blocks spreading for a long way outside the village and immediate surrounds. However, (as mentioned in this Plan Change request) additional land was incorporated into the PC32 area as Clevedon Precinct C during the AUP Hearing process. The adjacent land which is the subject of this application was specifically not included by the IHP. I believe that was likely because in the PAUP this land was zoned Rural-Coastal, whereas the included land was mostly Rural-Production, being further upstream, and less subject to flooding.
3. My major concern is the potential for precedent setting if this Plan Change is allowed. I consider it would undermine the integrity of the AUP and open the way for any number of similar applications in not only the Rural-Coastal zone, but more likely in the Rural-Production and Mixed-Rural zones. I regularly question why we have a Plan which seems incapable of being upheld.
4. The number of lots as proposed will have an urban rather than rural appearance, and does not meet the Countryside Living provisions of the AUP (E39.6.5.2.1) or the Clevedon Precinct (I408.6.5.1). It is disingenuous, in my view, to take the entire site size as the criteria for the number of lots per hectare, rather than the proposed rezoned portion of only 9.88ha.
5. I live directly across the Wairoa River at 315 North Road, although I do not have a river boundary, and the site is partly if not wholly in view from my house. My land is also zoned Rural Coastal. My amenity will be adversely affected by light and noise from a large lot subdivision, especially as compared to a single dwelling, as will my neighbours. I thought with the AUP there would at last be some certainty about subdivision which has been happening in an "ad hoc" way for the past decade around Clevedon, thus undermining the spacious rural aspect which is why we live here and which visitors value.

6. I note that much of this application refers to issues being dealt with under a Resource Consent subdivision application if the zone change is allowed. This does not seem to me to address properly the fact this land is a small piece of higher ground in the floodplain. From previous experience the adverse effect on others (rather than those part of the subdivision) is either ignored or “played down” and local knowledge is less important than that of experts.

**I wish the application to be Declined**

Mary Whitehouse  
December 2020

The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Josephine Elworthy

Organisation name:

Agent's full name: Josephine Elworthy

Email address: [josephine@hololio.co.nz](mailto:josephine@hololio.co.nz)

Contact phone number: 021412664

Postal address:  
116 Monument Rd  
Clevedon  
Clevedon 2582

## Submission details

### This is a submission to:

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

### My submission relates to

Rule or rules:  
Zone change

Property address: Whole of Application

Map or maps: Whole of Application area

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I adopt the submissions of the Clevedon Community and Business Association in relation to the unprincipled and ad hoc expansion of the Clevedon Precinct. The Precinct should be defined by defensible boundaries, determined in a considered and principled fashion. In addition, I submit that the application does not meet the objectives and policies of the Clevedon Precinct, C, Countryside Living Zone, because it does not offer (or even consider) connectivity and in particular trails, nor public access to the Wairoa.

I or we seek the following decision by council: Decline the plan change

23.1

Submission date: 17 December 2020

## **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Christine Mayo

Organisation name:

Agent's full name:

Email address: [hayley\\_mayo\\_hails@hotmail.com](mailto:hayley_mayo_hails@hotmail.com)

Contact phone number:

Postal address:  
351 Clevedon KawaKawa Rd  
Clevedon  
Auckland 2585

## Submission details

### This is a submission to:

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

### My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:

Plan change 45 rezoning part of 272 and 278 Clevedon KawaKawa RD and all of 274. Extending i408 Clevedon precinct sub precinct c over land being rezoned and resource Covent.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I don't think it is necessary to have anymore houses built in this area it will have a major impact on the character for this area and will block the views the public have put to the flood plains and beyond . Putting more houses near the river and flood plain will have an adverse effect on the environment.This road is already busy and extremely dangerous there is no where for any right turning traffic into the proposed subdivision to pull safely to the side .Our rural landscape is being destroyed by allowing the continued spread of Auckland over or area.Our rural lifestyle is very important to the people who live in this area and the reason we live here .

I or we seek the following decision by council: Decline the plan change

24.1

Submission date: 17 December 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Lindsey Britton

Organisation name: Self

Agent's full name: N/a

Email address: [tiakuri@xtra.co.nz](mailto:tiakuri@xtra.co.nz)

Contact phone number: 09 2929215

Postal address:  
11 Phillips Road  
RD5  
Papakura 2585

## Submission details

### This is a submission to:

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

### My submission relates to

Rule or rules:  
Plan change in its entirety

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
I cannot get the document to detailing my objections to attach!?

I or we seek the following decision by council: Decline the plan change

25.1

Submission date: 17 December 2020

## Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Private Plan Change 45

Submitted by Lindsey Britton, 11 Phillips Road, Ness Valley, Clevedon

[tiakuri@xtra.co.nz](mailto:tiakuri@xtra.co.nz) ph 2929215

### I totally oppose this proposed private plan change

I make no apologies for not referring to the multiple Council planning designations involved in this discussion, we have been consulted repeatedly by the Auckland Council over deciding the future for the Clevedon Valley as such where things now stand is complex and confusing for the average resident

The first consultation conducted under the auspices of the Manukau City Council (PC32) remains for me by far the most valid, significant, community based and driven process that Clevedon has been through in trying to decide the Valley's future

All the subsequent reviews were to my mind far too Council influenced and Developer oriented resulting in outcomes that are barely recognisable as the Community's wishes! It might be argued that the community increasingly did not adequately engage in these consultations but I think it would be fair to say that, that is not surprising considering how many times we have been asked to participate in a new process!

Since the Unitary Plan came into place Auckland Council has over and over again allowed changes to its rules with regard to developments in Clevedon. The number of developer asked for 'variations' and plan changes has steadily increased with Council requiring few to be notified despite most having multiple community, amenity and individual impacts

As a result Clevedon now has multiple subdivisions both very large and small creating some very out of place urban style ribbon development across the valley. There has been zero integrated planning over any of this despite already seriously inadequate infrastructure to support the current community let alone what will increasingly be a burgeoning populace

Clevedon's rural nature now has an increasingly random urban aspect all appearing on rural production land seemingly now deemed 'non productive', yet most currently grazed and farmed? The fact that much of the valley floods horrendously also seems be of limited interest, a fact that very much applies to the PC 45 site

Council's slack decision over these matters with its self evident bias against the community's wishes and toward facilitating all this urban development every time its asked to consider some plan variation is now increasingly self evident and seriously questionable

PC 45 is quite literally testing the Council over how far it is yet again willing to push out a boundary that has already been set. PC45 has all the look of a landowner wringing out the last small vestige of higher ground in a vast flood plain which if approved will yet again encourage others to also question just how they can push the Council into not just stretching but breaking the boundaries previously set, boundaries set with good reason and based on Community consultation

If the Council is not willing to stick to its own planning rules and go against the communities wishes and chooses to allow PC 45 then:

- It must be publicly notified
- A new defensible and fixed Clevedon Precinct boundary has to be set
- Far fewer dwellings on the site should be required
- The dwellings need to be disguised by some serious tree planting
- No two story dwellings
- The roads on site and off the Clevedon-Kawakawa Bay Road must be rural in nature
- The site must have subdued street lighting there being no street lights for kms and definitely not the huge standards 52 North Rd has installed or it will be lit up like a sports stadium in a black void

25.2



**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



This plan change has limited notification under clause 5A(4)(b) of First Schedule Resource Management Act 1991, making a further submission under this clause limited to those given written notice of this plan change.

Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

**Further Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

PO Box 183

CLEVEDON, 2248

Telephone:

(09) 2929255

Fax/Email:

d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

**Scope of Further Submission**

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number

PC 45 (Private)

Plan Change/Variation Name

272, 274 and 278 Clevedon Kawakawa Road

I support :  Oppose  (tick one) the submission of:

(Please identify the specific parts of the original submission)

(Original Submitters Name and Address)

Submission Number

Point-Number

Solima Theron

01

274 Clevedon-Kawakawa Road

Clevedon

Auckland 2585

The reasons for my support / opposition are:

Please see Attached Further Submission Document.

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part

(describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

*DE Gib*

*6 October 2020*

Signature of Further Submitter

Date

(or person authorised to sign on behalf of further submitter)

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

*Land owners of adjacent property to the east  
of 278 Clevedon-Kawakawa Road.*

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

# Further Submission

## Submitter details

Trevor Giles and Dianne Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272,274 and 278 Clevedon Kawakawa Road

Submitter: # 01

The reasons for our support are as follows:

1. This proposed zone change that will enable a Countryside living development of 11 dwellings, is neither less than minor, nor **low to minor**.
2. All of the 278 Clevedon-Kawakawa property should retain the Rural – Rural Coastal zoning as that is the most appropriate zoning for this property.
3. Rural production is to be enabled under the Rural – Rural Coastal zoning. Therefore, to allow the rezoning of 8.45 hectares of mainly higher ground (elite, prime or not) to Rural – Countryside Living from a property that is mostly located within a floodplain, would result in the loss of productive rural land. The proposed balance lot (Lot 14 – 43.55 ha) will be severely impacted economically, to a far greater extent than the 272 and 278 Clevedon-Kawakawa Road joint run farming/rental activity.
4. The impact on the visual amenity at the south/western corner of the 278 Clevedon-Kawakawa Road, where this site is proposed to be located adjacent to the Clevedon-Kawakawa Road (Pacific Coast Highway) will become a **major visual eyesore**. Without a doubt the visual amenity will also severely be impacted by the reduction in the expansive scenic view able to be currently experienced by the public travelling along this section of the Clevedon-Kawakawa Road. Not only will the coverage of these buildings on these two site locations obstruct such views but in time these views will also be further impaired by the required planting under I408 Clevedon-Village Precinct legislation. This private roadway into this proposed development will mirror that of the 252 Clevedon-Kawakawa gleaming white concrete private road. It too will be constructed of concrete and could well have the same dangerous concrete road entrance into the proposed new private road. These will only further detract from being able to maintain the area's rural character and amenity.



5. All of the new infrastructure required in relation to this proposed development (including the private road) will harshly impact on the rural character and amenity of this area. Any subdivision or development under the I408 Clevedon Precinct **must** maintain and enhance the existing character and its rural environment.
6. This proposed development will mirror that of another suburban style subdivision. The proposed subdivision under Private Plan Change 45 is located in close proximity to the 252 Clevedon-Kawakawa Road Countryside Living development, which itself is placed as close as possible (up against) the eastern boundary of that property. To allow a further such development in site area proposed for development will in fact equate to **22 dwellings plus one shop/dwelling (two storied building)** and associated infrastructure being all located within an area that is calculated to be just under **17 hectares (a rate of 1 building per 7270 m<sup>2</sup>)**. The dynamic as a whole that would encompass this area of just under 17 hectares clearly does not fit with objectives and policies of the AUP(OIP) outlined for the Countryside Living Zone.
7. Through the Countryside Living Zone and I408 Clevedon Village Precinct – Sub Precinct C being extended, Auckland Council has now sanctioned new development far too close to the Wairoa River, its tributaries and floodplain. Stormwater run-off directly into this floodplain and human behaviour will adversely affect the rivers ecosystem through greater volumes of pollution finding its way from these catchment areas into the river and coastal marine area of the Hauraki Gulf.
8. The proposed positioning of a car park so close to this river (completely separated from the development site location) and within an area that has a mapped overland flow path running across, will only exacerbate any adverse effects on the river's ecosystem and coastal marine area. It is supposedly to be used by the future residents to access the Wairoa River for recreation purposes, except the area will not be used for long-term parking or overnight uses such as parking of vehicles due to the possible risk of inundation of floodwaters. Who will monitor this? Surely a walkable track would have been more appropriate for these residents.
9. There has already been plenty of provision around Clevedon Village for residential development through the AUP(OIP) I408 Clevedon Precinct (formerly known as PC32 Manukau District Plan). The area zoned countryside living along Clevedon-Kawakawa Road was not initially included in the Clevedon Precinct, Sub-Precinct C. This only occurred as a result of the PAUP Independent Hearing process. This area was not originally included in PC32 and in our opinion should never have been brought into the Clevedon Precinct, Sub-Precinct C.
10. The area adjacent to and including part of the development site area is prone to flooding during extreme weather events.
11. A further development in this area will continue to result in a further increase in traffic volumes on an already dangerous road, impacting the safety of other neighbours, especially during peak commute times, weekend and holiday traffic. This road is already very busy, accommodating fast moving traffic on roads that are not adequately designed to cope with movements on and off the main carriage way. This road accommodates many larger vehicles including many horse transporters, vehicles towing boats, horsefloats or trailers, along with large volumes of trucks or trucks with trailers carrying heavy loads. Considering Auckland Transport's disinterest toward improving any of the roading network or dangerous narrow bridges (such as Ryburn's bridge) in this region, it is highly unlikely that their evaluation response or understanding around traffic congestion on these roads is accurate. How such a dangerous and unforgiving concrete entrance way was given approval by Auckland Transport for the 252 Clevedon-Kawakawa Countryside Living development private roadway (one lane with passing bays) is difficult to comprehend.
12. This proposed development will further degrade the privacy, peaceful and rural lifestyle that current landowners have moved to the rural area to enjoy. Nobody deserves to invest in a property in a rural area, only to have it destroyed through such a development being



constructed so close. People who prefer to live in a subdivision styled development would be better to purchase a property in an urban area.

13. Such developments pose many problems for neighbouring property owners or occupiers. It engages them in a difficult and often uninformed situation, being put in a dilemma of trying to avoid conflict between the integrity of the rural culture, the negative impacts on their property and chosen lifestyle, and trying to maintain good neighbourly relationships. This despite the fact that the situation has in fact been brought about by the aspirations of other rural property owners/occupiers who have become involved in such developments or development proposals.
14. It should be noted that it is our understanding that this Private Plan Change 45 is a result of the shareholders of Stratford Properties Limited not having the ability or right to be able to subdivide and develop any area of 278 Clevedon-Kawakawa Road in this manner without a zoning change to allow it.

**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



This plan change has limited notification under clause 5A(4)(b) of First Schedule Resource Management Act 1991, making a further submission under this clause limited to those given written notice of this plan change.

Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

**Further Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

PO Box 183

CLEVEDON, 2248

Telephone:

(09) 2929255

Fax/Email:

d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

**Scope of Further Submission**

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number

PC 45 (Private)

Plan Change/Variation Name

272, 274 and 278 Clevedon Kawakawa Road

I support :  Oppose  (tick one) the submission of:

(Please identify the specific parts of the original submission)

(Original Submitters Name and Address)

Submission Number

Point-Number

Carol and Paul Gibbard

02

262 Clevedon-Kawakawa Road

Clevedon

Auckland

The reasons for my support / opposition are:

Please see Attached Further Submission Document.

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part  (describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

*DE Gib*

Signature of Further Submitter  
(or person authorised to sign on behalf of further submitter)

*6 October 2020*

Date

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

*Land owners of adjacent property to the east  
of 278 Clevedon-Kawakawa Road.*

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

# Further Submission

## Submitter details

Trevor Giles and Dianne Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272,274 and 278 Clevedon Kawakawa Road

Submitter: # 02

The reasons for our support are as follows:

1. There are already plenty of designated areas within the Clevedon Village Precinct and its sub precincts without the need to widen the Rural – Countryside Living Zone and extending I408 Clevedon Village Precinct – Sub Precinct C across the 272, 274 and 278 Clevedon-Kawakawa Road properties. The Clevedon Precinct provisions were carried over into the PAUP from the provisions of Plan Change 32 to the Auckland Council District Plan – Operative Manukau Section. The purpose of the precinct was to provide for the growth and expansion of Clevedon as a rural village, with higher densities closer to the centre and lower densities adjacent to the Rural – Rural Production Zone. Much time and effort had been spent over the past decade on identifying the area of expansion of the Clevedon Village to provide wastewater to the existing village and to set boundaries and zoning for such expansion. This boundary was extended beyond the PC32 boundary as a result of submissions lodged by Netherlea Holdings Ltd (# 2415) and Stratford Properties Ltd (# 2367). The extension granted allowed the inclusion of the land area from one side only of the Clevedon-Kawakawa Road, up to and including the 252, 262 and a very small portion (Mo's) of the 272 Clevedon-Kawakawa Road properties into the Clevedon Village Precinct.
2. The rural character of Clevedon Village is already being impacted adversely with itself undergoing substantial development. Therefore, the outskirts, including 272, 274 and 278 Clevedon-Kawakawa Road, need to keep the rural character and amenity values of this special rural community. All of the new infrastructure required in relation to the PC45 proposed development (including the private road) will further add to the adverse effects impacting the rural character and amenity of this area. Any subdivision or development under the I408 Clevedon Precinct **must** maintain and enhance the existing character and its rural environment.

3. Such developments pose many problems for neighbouring property owners or occupiers. It engages them in a difficult and often uninformed situation, being put in a dilemma of trying to avoid conflict between the integrity of the rural culture, the negative impacts on their property and chosen lifestyle, and trying to maintain good neighbourly relationships. This despite the fact that the situation has in fact been brought about by the aspirations of other rural property owners/occupiers who have become involved in such developments or development proposals.
4. It would appear that once written approval is secured from neighbouring property owners regarding a subsequent subdivision development, the Council are unlikely to follow up with information around any subsequent changes from the agreed original plan. The result being “a property owner is able to gain permission for one thing and before you know it they have totally changed the plans,” with those being affected not being consulted or updated on the changes. However, in the case of PC45 the plan change has to be approved through a hearing process first, with the change of zoning for 278 Clevedon-Kawakawa Road from Rural – Rural Coastal Zone to Rural – Countryside Living Zone. Our understanding is that it is at this point that prior written approvals will prevent these affected neighbours from being involved any further in the resource consent part of the development process.  
The evidence for this can be found under the ‘I408.5. Notification’ in the AUP(OIP).
  - (1) *The Council will consider restricted discretionary resource consent applications for subdivision without the need for public notification. However, limited notification may be undertaken, included notice being given to any landowner within the precinct who has not provided their written approval.*
  - (2) *Any activity not otherwise listed above will be subject to the normal test for notification under the relevant sections of the Resource Management Act 1991.*
5. This proposed development will further degrade the privacy and rural lifestyle that current landowners have moved to the rural area to enjoy (love living rural and have moved to the area for that very reason). Nobody deserves to invest in a property in a rural area, only to have its rural character and amenity destroyed through such an urbanised development being constructed so close.
6. A further development in this area will continue to result in a further increase in traffic volumes on an already dangerous road, impacting the safety of other neighbours, especially during peak commute times, weekend and holiday traffic. This road is already very busy, accommodating fast moving traffic on roads that are not adequately designed to cope with movements on and off the main carriage way. This road accommodates many larger vehicles including many horse transporters, vehicles towing boats, horsefloats or trailers, along with large volumes of trucks or trucks with trailers carrying heavy loads.
7. The area adjacent to and including part of the development site area is prone to flooding during extreme weather events.
8. These floodplains and the coastal environment need to be protected from such development. Through the Countryside Living Zone and I408 Clevedon Village Precinct – Sub Precinct C being extended over the area Auckland Council has now sanctioned new development far too close to the Wairoa River, its tributaries and its floodplain. Stormwater will run-off directly into this floodplain and human behaviour will adversely affect the rivers ecosystem through greater volumes of pollution, finding its way from these catchment areas into the river and coastal marine area of the Hauraki Gulf.



# Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

## Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

PO Box 183

CLEVEDON, 2248

Telephone:

(09) 2929255

Fax/Email:

d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

## Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number PC 45 (Private)

Plan Change/Variation Name 272, 274 and 278 Clevedon Kawakawa Road

I support :  Oppose  (tick one) the submission of:

(Please identify the specific parts of the original submission)

(Original Submitters Name and Address)

Submission Number

Point-Number

Nicky Hunt

Clevedon-Kowakawa Road

Clevedon

Auckland

03

The reasons for my support / opposition are:

Please see Attached Further Submission Document.

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part

(describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

*D E Gibb*

Signature of Further Submitter

(or person authorised to sign on behalf of further submitter)

Date

*6 October 2020*

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

*Land owners of adjacent property to the east  
of 278 Clevedon-Kawakawa Road.*

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

# Further Submission

## Submitter details

Trevor Giles and Dianne Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272,274 and 278 Clevedon Kawakawa Road

Submitter: # 03

The reasons for our support are as follows:

1. All of the 278 Clevedon-Kawakawa property should retain the Rural – Rural Coastal zoning as that is the most appropriate zoning for this property. If we are able to keep the beauty and eco system of Clevedon alive we need to retain the Rural Coastal zoning in place and complementary to the Clevedon town centre. Approved intensified living should be retained in the village. Clevedon Village and its rural surrounds is the essence and appeal of Clevedon.
2. We believe that the current Rural - Rural Coastal zoning designated for the 278 Clevedon-Kawakawa Road property is appropriate in order to retain the rural character, amenity and type of activities that rural living allows.
3. The neighbouring property (252 Clevedon-Kawakawa Road) of this proposed development is in the process of a subdivision development under the Unitary Plan Countryside Living Zone legislation. With that development being located alongside the eastern boundary of that property, to allow a further such development within such a close proximity will equate to **22 dwellings plus one shop/dwelling (two storied building)** and associated infrastructure being all located within an area that is calculated to be just under **17 hectares (a rate of 1 building per 7270 m<sup>2</sup>)**. The dynamic as a whole that would encompass this area of just under 17 hectares clearly does not fit with objectives and policies of the AUP(OIP) outlined for the Countryside Living Zone. The legislation clustering was supposed to mimic the look of a farmhouse and associated buildings clustered around it.
4. Auckland Council should be protecting such an environment, so it is hard to reconcile why they have allowed the zoning of Countryside Living and the developments to be so close to the Wairoa River (river frontage) and its floodplain. As council is aware, any such development has the potential to seriously affect the local wildlife and the river's delicate eco system.



5. There has already approved intensified living in the village (more than 700 plus new homes), covered by AUP(OIP) legislation under the I408 Clevedon Village Precinct and there is no evidence to suggest this needs further intensifying. The area from Clevedon on the northern side of the Clevedon-Kawakawa Road up to the land area proposed to be developed under PC45 was not brought into the Clevedon Precinct C until the PAUP Independent Hearing process. This area was not part of the operative PC32 under MCC District Plan.
6. Part of the proposed piece of land is prone to bad flooding during weather events that cause the river to swell. The proposed development house sites (on a slight rise) are only one of two areas on this farm that do not flood when the river cannot cope with heavy rainfall.
7. This clustering of so many homes so close together will result in further increases in traffic volumes on an already dangerous road, impacting the safety of other neighbours, especially during peak commute times, weekend and holiday traffic. Any development (including the rapid expansion of Clevedon Village itself) will exacerbate this, on roads that are not adequately designed to cope with movements on and off the main carriage way. This road is already very busy, accommodating fast moving traffic, many larger vehicles including horse transporters, vehicles towing boats, horsefloats or trailers, along with large volumes of trucks or trucks with trailers carrying heavy loads. Considering Auckland Transport's disinterest toward improving any of the roading network or dangerous narrow bridges (such as Ryburn's bridge) in this region, it is highly unlikely that their evaluation response or understanding around traffic congestion on these roads is accurate. How such a dangerous and unforgiving concrete entrance way was given approval by Auckland Transport for the 252 Clevedon-Kawakawa Countryside Living development private roadway (one lane with passing bays) is difficult to comprehend.
8. Such a development will destroy the peaceful and rural lifestyle that current landowners have moved to the rural area to enjoy. It is this rural lifestyle that is the attraction for and is valued by so many residents of the area. It is what will be lost if the proposed re-zoning were to be allowed and the proposed subdivision was to go ahead.
9. It should be noted that it is our understanding that this Private Plan Change 45 is a result of the shareholders of Stratford Properties Limited not having the ability or right to be able to subdivide and develop any area of 278 Clevedon-Kawakawa Road in this manner without a zoning change to allow it.

# Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



This plan change has limited notification under clause 5A(4)(b) of First Schedule Resource Management Act 1991, making a further submission under this clause limited to those given written notice of this plan change.

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Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

## Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

P O Box 183

CLEVEDON, 2248

Telephone:

(09) 292 9255

Fax/Email:

d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

## Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number

PC 45 (Private)

Plan Change/Variation Name

272, 274 and 278 Clevedon Kawakawa Road

I support :  Oppose  (tick one) the submission of:

(Please identify the specific parts of the original submission)

(Original Submitters Name and Address)

Submission Number

Point-Number

08

294 Clevedon-Kawakawa Road

Clevedon

Auckland 2585

The reasons for my support / opposition are:

Please see attached Further Submission Document.

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part  (describe precisely which part) drainage and runoff

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

D E Gib

6 October 2020

Signature of Further Submitter

Date

(or person authorised to sign on behalf of further submitter)

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Land owners of adjacent property to the east  
of 278 Clevedon-Kawakawa Road.

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

# Further Submission

## Submitter details

Trevor Giles and Dianne Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272,274 and 278 Clevedon Kawakawa Road

Submitter: # 08

The reasons for this further submission is concerning the points raised regarding the impacts from drainage and runoff from the plan change properties, given the area is prone to flooding, and are as follows:

1. It is clear from the “Geotechnical Investigation Report” prepared by KGA Geotechnical point 14. STORMWATER that there is no doubt that the stormwater runoff will be dispensed in some way into the floodplain.

Point 14 states as follows:

*Stormwater from dwellings and all hard standing area must be collected and discharged **in a manner in accordance with current Council requirements**. To ensure that stormwater does not adversely affect site stability, it is important that all stormwater runoff from roof, deck, driveway and other sealed areas, together with discharges from perforated draincoils behind retaining walls, is collected by means of sealed pipes or swale and discharged accordingly **offsite** in a controlled manner. **Under no circumstances is stormwater allowed to discharge directly onto the steep slopes below the building platforms or into soakpits.***

2. The stormwater issue has also been addressed within the “Engineering Infrastructure Assessment Report” prepared by Lands and Survey.

Point 11.3 states as follows:

*The proposed development will increase the area of impermeable surface. It is therefore necessary to provide on-site mitigation for this increase in impermeable area for the 2-year, 10 year and 100-year storm events. The stormwater runoff from the proposed dwellings will flow to roof water reuse tanks to provide a water supply and the **overflow** will be **pipied from sheet flow discharge over pasture via level spreader devices to natural drainage.***

This does not state where **all** (not just dwelling stormwater run-off) stormwater will be discharged, other than over pasture areas to natural drainage/overland flow paths. This is

assumed to be within the farmland area of the balance lot, Lot 14, even adding stormwater run-off during the wetter seasons, when this pasture would be already dealing with high levels of saturation.

Chapter E36 sets out the AUP(OIP) legislation around the Natural Hazards and flooding, which includes overland flow paths. This legislation deals with the placement of stormwater pipes and stormwater management infrastructure devices in relation to the 1% AEP and overland flow paths. If the piping of any run-off and stormwater is to be kept well away from the steep slopes of the building platforms, then their placement is most likely going to impact overland flow paths and be within the 1% AEP flood zone for the 278 Clevedon-Kawakawa Road property.

3. For every square metre, one mm of rainfall produces an equivalent 1 litre of water from a hard standing (impervious) areas. With the need for almost instant disposal, all of this stormwater run-off will be immediately dispensed off into the flood zone should water tanks already be or become full during an extreme weather event.
4. The adverse effect of such large development areas' being converted from farmland to impervious surfaces will result in large quantities of stormwater run-off (accompanied with contaminants) being dumped straight down into the flood zone. The impact being on other properties (upstream or downstream), that are left to deal with and suffer its affects. Soil (in particular flat ground or low gradient) does at least have the potential to be able to soak up (provided the soil is not water-logged) and slow down the immediate effects of rainfall, whereas imperious surfaces do not.
5. This area is under pressure from the continued spread of Auckland. The catchment area for the Wairoa River should have its current rural character protected from continued development and should be considered alongside and connected to the other environmental assets for this area. These environmental assets include the Hunua Ranges, the Wairoa River (second largest river in the Auckland region) with its tributaries, and the access it provides to the Hauraki Gulf. Developments being allowed within this large catchment area impact can impact the health of the waterways, along the stormwater volumes and flows that do have the potential to adversely impact other properties either upstream or downstream. Such potential will be influenced by the unpredictable and uncontrollable nature of the weather and other variables experienced during any one individual extreme weather events. Any stormwater that is unable to be collected and stored from impervious surfaces during any such weather event within the catchment area, will ultimately be dispensed much faster into overland flow paths, waterways and the floodplains of this area. Such flooding affects many of the roads within this catchment area, volumes of stormwater being the factor that makes them impassable.
6. Due to the sites location and the low-lying land area around it, it is our opinion that this subdivision development will not comply with certain AUP(OIP) legislation under I408 Clevedon Precinct.



**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

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Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

**Further Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

PO Box 183

CLEVEDON 2248

Telephone:

(09) 2929255

Fax/Email:

d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

**Scope of Further Submission**

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number

PC 45 (Private)

Plan Change/Variation Name

272, 274 and 278 Clevedon Kawakawa Road

I support :  Oppose  (tick one) the submission of:

(Please identify the specific parts of the original submission)

(Original Submitters Name and Address)

Submission Number

Point-Number

James, Margaret, Robert & Kim Power  
300 Clevedon - Kawakawa Road  
Clevedon  
Auckland

10

The reasons for my support / opposition are:

Please see Attached Further Submission Document.

(continue on a separate sheet if necessary)

I seek that:

the whole :   
or part  (describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**   
**disallowed**

I wish to be heard in support of my submission   
I do not wish to be heard in support of my submission   
If others make a similar submission, I will consider presenting a joint case with them at a hearing

DE Gib 6 October 2020  
Signature of Further Submitter Date  
(or person authorised to sign on behalf of further submitter)

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_

\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Land owners of adjacent property to the east  
of 278 Clevedon-Kawakawa Road.

**Notes to person making submission:**  
A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

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# Further Submission

## Submitter details

Trevor Giles and Dianne Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272,274 and 278 Clevedon Kawakawa Road

Submitter: # 10

The reasons for our support are as follows:

1. There is already plenty of development already within the zoned areas in Clevedon Village. Therefore, there is no need to extend the area to include this property.
2. The Clevedon Precinct provisions were carried over into the PAUP from the provisions of Plan Change 32 to the Auckland Council District Plan – Operative Manukau Section. The purpose of the precinct was to provide for the growth and expansion of Clevedon as a rural village, with higher densities closer to the centre and lower densities adjacent to the Rural – Rural Production Zone. Much time and effort has been spent over the past decade on identifying the area of expansion of the Clevedon Village to provide wastewater to the existing village and to set boundaries and zoning for such expansion.
3. Should the development of this land be achieved through PC45 by the re-zoning of the land from the Rural – Rural Coastal Zone to Rural – Countryside Living, it will set a precedent for other property owners to follow suit. This could result in the whole area around us getting zoning extensions and more developments happening.
4. If more developments can be allowed to happen through such re-zoning, then all of the 278 Clevedon-Kawakawa property should retain the Rural – Rural Coastal zoning.



**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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**Further Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

PO Box 183

CLEVEDON 2248

Telephone:

(09) 2929255

Fax/Email:

d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

**Scope of Further Submission**

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number

PC 45 (Private)

Plan Change/Variation Name

272, 274 and 278 Clevedon Kawakawa Road

I support :  Oppose  (tick one) the submission of:

(Please identify the specific parts of the original submission)

(Original Submitters Name and Address)

Submission Number

Point-Number

Bernise Milliken

11

247 Clevedon-Kawakawa Road

Clevedon

Auckland

The reasons for my support / opposition are:

Please see Attached Further Submission Document.

(continue on a separate sheet if necessary)

I seek that:

the whole :   
or part  (describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**   
**disallowed**

I wish to be heard in support of my submission   
I do not wish to be heard in support of my submission   
If others make a similar submission, I will consider presenting a joint case with them at a hearing

DE Gib  
Signature of Further Submitter  
(or person authorised to sign on behalf of further submitter)

6 October 2020  
Date

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Please tick one

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\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Land owners of adjacent property to the east  
of 278 Clevedon-Kawakawa Road.

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# Further Submission

## Submitter details

Trevor Giles and Dianne Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272,274 and 278 Clevedon Kawakawa Road

Submitter: # 11

The reasons for our support are as follows:

1. Most people choose to live in the Clevedon area so they can enjoy the rural lifestyle it provides. A development such as the one proposed by PC45 will compromise this.
2. There are scenic rural views across the Wairoa River, its flood plains down to the sea, from both this section of the Clevedon-Kawakawa Road (Pacific Coast Highway) and the properties that surround this area. Without a doubt the visual amenity will also severely be impacted by the reduction in the expansive scenic view able to be currently experienced by the public travelling along this section of the Clevedon-Kawakawa Road. Not only will the coverage of these buildings on these two site locations obstruct such views but in time these views will also be further impaired by required planting.
3. It is disappointing that some of the information that has been collaborated to support Private Plan Change 45 has not been done so accurately. Location sites from where “View Points” have been taken are clearly misleading and not an accurate representation of the views from a number of properties. This includes our 340 Clevedon-Kawakawa Road property, where the viewpoint photo was taken from the driveway leading to 342 Clevedon-Kawakawa Road. In our view this is not representative of the development’s true visual implications on our property. Should this proposed subdivision be approved, then the view to the west from the majority of our farm will be scarred by an unsightly line-up of dwellings plus other hard-standing structures. These will be elevated, with the dwellings etc sitting on top of the knoll, added to by the likelihood of a retaining wall along a large proportion of the knolls steepest northern and eastern sloped section, for support and prevention of erosion. There will be no demand for any softening through a vegetation buffer of the view that we will be left to experience as these new homeowners will seek to retain the expansive views that are gained through leaving this area open.

4. It is a valid concern that the owners of 247 Clevedon-Kawakawa Road have regarding information being incorrectly portrayed and is very relevant. There are other such examples within the reports that have been produced in support of this Plan Change 45 that are either incorrect or are misleading. Also, the scheme plan for the proposed development does not include the dwelling(s) location, stormwater or their wastewater irrigation field details for the proposed balance lot, Lot 14.
5. The number of building sites that are planned is not appropriate. To allow a further such development in a site area that is in such close proximity to the 252 Clevedon-Kawakawa Road will in fact equate to **22 dwellings plus one shop with dwelling (two storied building)** and associated infrastructure being all located within an area that is calculated to be just under **17 hectares (a rate of 1 building per 7270 m<sup>2</sup>)**. The dynamic as a whole that would encompass this area of just under 17 hectares clearly does not fit with objectives and policies of the AUP(OIP) outlined for the Countryside Living Zone. This proposed zone change, that will enable a Countryside living development of 11 dwellings with its adverse effects are not less than minor.
6. If so much of the higher ground of the 278 Clevedon-Kawakawa Road property is to be taken up by this development, what happens to the livestock presumably still grazing on the remaining lower lying land when the inevitable floods reoccur, as the property on occasion is seen under severe flooding. Under the Rural – Rural Coastal zoning rural production is to be enabled and therefore, to allow the rezoning of 8.45 hectares of mainly higher ground (elite, prime or not) to Rural – Countryside Living from a property that is mostly located within a floodplain, would result in the loss of this productive elevated rural land.
7. There will be an inevitable ecological impact to the river from the 11 building projects, along with the continued impact of on-going occupancy that these many established homes will continue to create. The catchment area of the Wairoa River and its tributaries is under continued pressure from new development. What is allowed within this large catchment area has a significant effect on its waterways health and must adversely impact the flow nature and volumes of their floodwaters during extreme weather events. All stormwater (and contaminants) from the unnecessary increase in the number of additional impervious surfaces that go hand in hand with these developments is being given resource consents to channel this stormwater directly to the floodplains. There appears to be absolutely no consideration or protection on how it impacts the waterways themselves or for those being adversely affected either upstream or downstream of these developments that lie within the floodplain area.
8. The traffic report failed to take into account the impact of the large number of additional homes already approved in the Clevedon Village, or the increased traffic volume being experienced since the Nov 2018 traffic volume assessment. The traffic flow on this road, particularly on the weekend out to Kawakawa Bay, Orere and beyond for boating and recreation will put further strain on this already busy road. This zone change is proposed to add another 11 new dwellings to the already additional 9 dwellings able to be built on the 252 Clevedon-Kawakawa Road property (with a possible additional 10 dwellings from the other property along the same straight -202 Clevedon-Kawakawa Road). This increasingly busy 100km/h main carriage way is in reality far more hazardous than what the traffic report suggests, with road traffic only being further increased through any traffic movements that feed onto and off the associated private roadway that will associated with each of these three developments (202 Clevedon-Kawakawa, 252 Clevedon-Kawakawa Road & 278 Clevedon-Kawakawa Road).



**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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**Full Name or Name of Agent (if applicable)**

Mr/Mrs/Miss/Ms(Full Name)

Trevor Giles and Dianne Giles

**Organisation Name (if further submission is made on behalf of Organisation)**

**Address for service of Further Submitter**

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**Scope of Further Submission**

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number

PC 45 (Private)

Plan Change/Variation Name

272, 274 and 278 Clevedon Kawakawa Road

I support :  Oppose  (tick one) the submission of:

(Please identify the specific parts of the original submission)

(Original Submitters Name and Address)

Submission Number

Point-Number

340 Clevedon-Kawakawa Road

Clevedon

Auckland

2585

**The reasons for my support / opposition are:**

Please see attached Document.

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part  (describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

DEGib Jhu  
Signature of Further Submitter  
(or person authorised to sign on behalf of further submitter)

8 October 2020  
Date

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Land owners of adjacent property to the east of  
278 Clevedon-Kawakawa Road.

**Notes to person making submission:**

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# Further Submission

## **Submitter details**

Mr Trevor Giles and Mrs Dianne Giles

Postal Address – PO Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## **Scope of Submission**

Plan Change/ Variation Number: PC 45 (Private)

Plan Change/ Variation Name: 272,274 and 278 Clevedon Kawakawa Road

## **The specific provisions that this further submission relates to are:**

Plan Provision(s):

Private Plan Change 45 requesting to rezone part of 272 and 278 Clevedon-Kawakawa Road, and all the land at 274 Clevedon-Kawakawa Road from Rural–Rural Coastal Zone to Rural – Countryside Living Zone.

The private plan change seeking approval to extend I408 Clevedon Precinct, Clevedon Village Sub-precinct C, over the subject land.

Or

Other (specify):

A subsequent resource consent application to be lodged for the subdivision of 278 Clevedon-Kawakawa Road (Lot 1 DP146882) to create 11 countryside living lots (Lots 1-11 as per Scheme Plan), 1 shared access, 1 amenity lot, 3 restoration planting zones, a balance farm lot (Lot 14 as per Scheme Plan) and a balance lot (Lot 13 as per Scheme Plan) to be amalgamated with 272 Clevedon-Kawakawa Road.

## **Submission**

### **I/we oppose the specific provisions identified above.**

The reasons for our views are:

1. All of the 278 Clevedon-Kawakawa Road property should retain the Rural – Rural Coastal zoning. This is considered to be the appropriate zoning based on the property's location within the lower reaches of the Wairoa River and its proximity to the coastal marine area.

2. This proposal includes a large number of activities that are not classed as “Permitted” either under the Countryside Living rules or other rules within the AUP(OIP).
3. This proposal would require a multitude of resource consents to be granted under the RMA 1991, including both Land Use Consents and Subdivision Consents. These resource consents would be necessary in response to activities that are not permitted under the AUP(OIP) through their activity status of either being Discretionary, Restricted discretionary activity or Non-complying.
4. The balance lot, Lot 14 under this proposal will remain zoned as Rural – Rural Coastal and will not be rezoned along with the 8.45 hectares to Rural – Countryside Living. As rural production is to be enabled under the Rural – Rural Coastal zoning, the proposal to rezone this 8.45 hectares of mainly higher ground (prime or not) equates to a loss of productive rural land. Private Plan Change 45 is being supported by the premise that this farm is uneconomic for Stratford Properties Ltd. However, this proposal places any new owner of balance lot (Lot 14 – 43.55 ha of mainly floodable land) in a far worse economic position than that of the 272 and 278 Clevedon-Kawakawa Road jointly run farming/rental activity.
5. Clarification is required around the mapped streams on Drawing 9012/1 Master Landscape Plan (Greenwood associates – landscape Architecture), with particular reference to those shown to be mapped in the Restoration Planting Zone C. The streams identified on Drawing 9012/1 are not streams, and as per the AUP(OIP) GEOMAP data for this property are not referenced as streams.
6. ‘4SIGHT Consulting Figure 2 Freshwater habitat’, ‘4SIGHT Consulting Figure 3 Suggested enhancement and restoration area’, and ‘Lands and Survey Figure 4: Potential Restoration Areas,’ all show two culvert locations. Both of these assets are culvert/floodgates.
7. It is disappointing that some of the information that has been collaborated to support PC45 has not been done so accurately. Location sites from where “View Points” have been taken are clearly misleading and not an accurate representation of the views from a number of properties. It is a valid and relevant concern regarding information being incorrectly portrayed. There are other such examples within the reports that have been produced in support of this plan change that are either incorrect or misleading. Also, the scheme plan for the proposed development does not include the dwelling(s) location, stormwater or their wastewater irrigation field details for the proposed balance lot, Lot 14.
8. Any plan changes and subsequent resource consent such as PC45 should include an appropriate provision or legal mechanism to protect the continued use of vital existing infrastructure. It is imperative that both the culvert/floodgates and their respective stopbank structures are provisioned for, by ensuring that they are able to be maintained at all times in a suitable operating condition. Their purpose is to prevent salt water from the Wairoa River being able to flow onto productive land and to stop the depletion of any part of the farmland’s productive capabilities.
9. The current location of Restoration Planting Zone C, as per Drawing 9012/1, will either have or potentially have an adverse effect on the rural production activities of



the 340 Clevedon-Kawakawa Road (owned and occupied by TL & DE Giles). If Auckland Council decide to apply a terrestrial Significant Ecological Area (SEA) to this proposed Restoration Planting Zone C, the SEA Overlay legislation would then cover an area from the saltwater marsh located just to the north of this restoration planting, to the outward boundaries of the SEA Overlay specific to this proposed Restoration Planting Zone C area. The eastern boundary of the proposed Restoration Planting Zone C runs directly up to and alongside the boundary between the 278 Clevedon-Kawakawa Road property and the 340 Clevedon-Kawakawa Road property for quite some distance. This is estimated to be 200 plus metres, which equates to just under a quarter of the length of this boundary as it runs from Clevedon-Kawakawa Road down to the Wairoa River.

All of the restrictive legislation relating to Significant Ecological Area Overlays would be placed across this entire area, including the stopbank and culvert/floodgate. Should this stopbank structure and culvert floodgate not be able to be maintained, the resulting consequence will be the intrusion of salt water into this area and the drainage system. This would result in seepage into and saturation of productive soil, killing all vegetation whether it be the native restoration plants or pasture, with only saline (saltmarsh) wetland species being able to survive here. This would create the potential for a saltmarsh area to spread and extend alongside (and beyond) this quarter of the boundary between the 278 and 340 Clevedon-Kawakawa Road properties.

10. The location of Restoration Planting Zone C would have been more suitable in an area where it would further mitigate the wastewater/stormwater effects and any other human impacts that may result from such a proposed housing development. Under this resource consent application, the proposed current location is at the furthestmost point north/east from the area proposed to be rezoned on the 278 Clevedon-Kawakawa property. The current proposed location of this restoration planting will not contribute at all towards any mitigation of adverse effects that will result from the proposed Plan Change 45 land area to be rezoned from Rural – Rural Coastal Zone to Rural – Countryside Living Zone.
11. The intensification of the countryside living lots outlined for the proposed Housing Development Part 1 and Part 2 has a layout that could resemble that of a cul-de-sac plucked out of urban Auckland. A development of 11 new living lots in this area will result in a situation being created where 22 dwellings plus one shop/dwelling (two storied building) will be located all within a close proximity. The land area relating to these 23 buildings is calculated to be just under 17 hectares, equating to a rate of less than 1 building per 7270m<sup>2</sup>. This dynamic does not fit with the relevant objectives and policies of the AUP(OIP) and will create a small-settlement look, rather than that of a homestead surrounded by outbuildings.
12. Plan Change 45 calculates the density of 1 dwelling per 4 hectares as being applied to the total area (52 hectares) of the land contained within the property at 278 Clevedon-Kawakawa Road. This option proposes to only rezone a total of 8.45 hectares to the Rural – Countryside Living Zone (and apply the Clevedon Sub Precinct C to this land) for the countryside living subdivision and development. The 43.55

hectares remaining of the 278 Clevedon-Kawakawa Road property will become the balance farm lot (Lot 14) and retain its current Rural-Rural Coastal zoning. This option requires the balance farm lot (Lot 14) area to validate the countryside living subdivision density area of 8.45 hectares. The AUP (OIP) specifically states that any land outside the Clevedon precinct cannot be used in the calculation of the average lot size for subdivision (I408.6.4 2(d)). The minimum site area and clustering provisions of the Clevedon Precinct should be adhered to. This plan change is designed to challenge the integrity of this legislation.

13. This coastal environment, its wildlife and the floodplains need to be protected from such development. It is hard to understand why Auckland Council seems intent on sanctioning new subdivision developments anywhere near the Wairoa River or its tributaries. The river's environment, delicate eco system and the Hauraki Gulf will only become increasingly impacted by human behaviour and their lack of care through such proximity.
14. Developments allowed within this large catchment area alter stormwater volumes and flows that adversely have an impact on other properties either upstream or downstream. Such potential will be influenced by the unpredictable and uncontrollable nature of the weather and other variables experienced during any one individual extreme weather event. Any stormwater (and contaminants) that is unable to be collected and stored from impervious surfaces within the catchment area during any such weather event, will ultimately be dispensed much faster into overland flow paths, waterways and the floodplains. If the water tanks are full, then it is obvious that there is only one place the stormwater overflow is going for this development, directly to the floodplain.
15. Chapter E36 outlines the AUP(OIP) legislation around environmental risks due to natural hazards, flooding and overland flow paths. At times most of this development will be surrounded by flood waters. What is classed as a permitted activity under E36 is crucial in such a sensitive rural coastal zone and it should be being adhered to.
16. The car park proposed by this plan change is not only located within the floodplain but has an overland flow path running diagonally across it. Placing a car park in an area so close to the Wairoa River is not in keeping with the Countryside Living legislation that relates to walkways and trails. The question needs to be asked as to why it would be necessary for new residents to take their cars down to the river instead of enjoying a nice walk.
17. The expansive landscape views, as seen from the Clevedon-Kawakawa Road, out across the flood plains of the lower reaches of the Wairoa River, toward the Hauraki Gulf, will be severally impacted. The current openness of this landscape will become significantly impaired, mainly through the greater level of domestication brought into this setting through this proposed subdivision development. The obstruction of these expansive views will also be impacted adversely under this proposal by required planting.
18. Despite any conclusions reached within the supporting documentation for this proposed development, the reality is that the rural views (visual amenity), landscape

character values, natural character, rural character and amenities that are currently experience by most neighbouring property owners or occupiers will be adversely affected.

Although, as the owners of the 340 Clevedon-Kawakawa Road property, we would be unable to see this development from our house, once we step out onto our farm there will be no escaping the line-up of hard standing infrastructures facing our direction to capture the views on offer. As a result, our views directly to the west will be stripped of their current rural character, natural character and their amenity, through this dominating presence of eleven houses elevated above the floodplain. Add to this the likelihood of a retaining wall being constructed along the side of the steep northern and eastern slopes of this knoll and the eye sore that will be expected to be endured by the 340 Clevedon-Kawakawa Road property will be amplified. We do not agree with the Greenwood Associates report's assessment of "very low – less than minor" in relation to the effects on the 340 Clevedon-Kawakawa Road viewpoint. We also do not believe that it is warranted that every little piece of high ground currently used for farming activities around us should be swallowed up for housing developments.

19. The area adjacent to and including part of the development site area is prone to flooding during extreme weather events. This site will develop and exclude one of only two main areas on the 278 Clevedon-Kawakawa Road farm that do not flood when the river or overland flow paths can not cope with extreme weather events.
20. The use of other historic development (pre 1995) around this area is no justification to support this development, or do so in a way that it will somehow minimise the perceived level or extent of the change that will be brought about from such an out of character development. To allow two countryside living developments within such a close proximity of each other, would have unacceptable adverse cumulative effect on the landscape character values.
21. Much time and effort had been spent over the past decade to identify an appropriate area of expansion for Clevedon Village to provide for wastewater to the village and to set boundaries and zoning for such expansion. The boundaries and zoning of Clevedon Village and the wider environs were agreed under the Manukau City Council PC 32 Clevedon Village. The PC32 agreed boundaries should have been adhered to when PC32 was incorporated into the draft PAUP and the AUP(OIP) as I408 Clevedon Precinct. During the PAUP process however, the Independent Hearing Panel allowed several changes to be made, one of which was the extension of Sub-Precinct C (Countryside Living Zone) that was brought about by number of submissions made to the Panel. Stratford Properties Limited (under submission # 2367) was one of these submitters. The Panel's decision as to what zoning was the most appropriate for the 278 Clevedon-Kawakawa Road property resulted in this property being zoned Rural-Rural Coastal Zone and being excluded from the Clevedon Precinct.
22. The Clevedon-Kawakawa Road (Pacific Coast Highway) is already a very busy road that accommodates traffic moving at high speed, on roads that are not adequate to cope with movements on and off the main two-lane carriage way. Many of the

vehicles that travel along this road include horse transporters, vehicles towing boats, horsefloats or trailers, caravans, tractors, along with large volumes of trucks or trucks and trailers carrying heavy loads. This impacts on the safety of all road users, including cyclists, especially when there is either none or very little room along the side of this section of the road to accommodate for slowing and turning traffic into such developments. If the entrance to this development was to be constructed in the same dangerous manner as has been allowed for the 252 Clevedon-Kawakawa Road Countryside Living development, then this will only add to the possibility of accidents. Auckland Council/Auckland Transport appear to have little intention to up-grade the roads or the narrow bridges within the Clevedon area, despite the thousands of vehicles associated with the Clevedon Precinct and the Sub-Precinct developments that will add to the current numbers. Many of the roads within this catchment are affected by flooding when they struggle to cope with the volumes of stormwater. This makes them dangerous and too often impassable for smaller vehicles.

23. Should the development of this land be achieved through Private Plan Change 45 as a result of re-zoning the 278 Clevedon-Kawakawa Road from Rural – Rural Coastal Zone to Rural – Countryside Living Zone, it will only set the expectation that other property owners can do the same. This will set a precedent that would allow more of these developments to be approved, with the result being an extension of the Rural – Countryside Living Zone either further along the road, or on the other side of Clevedon-Kawakawa Road.

With consideration to the above information we seek the following decision by Auckland Council:

**Decline the proposed plan change/ variation.**

Should this Plan Change be accepted by Auckland Council then with consideration to the above information we seek the following.

1. Relocation of Restoration Planting Zone C to an area that will avoid any adverse effects on either the culvert/floodgate, stopbank structure or the 340 Clevedon-Kawakawa Road property.
2. The density of the countryside living lots must align with the gross lot area (8.45 Hectares) actually requested to be rezoned to comply with the objectives and policies of the AUP(OIP) legislation outlined for the Rural - Countryside Living Zone and for the I408. Clevedon Precinct, Clevedon Village Sub-precinct C. To not comply with this particular legislation within the Unitary Plan will result in numerous

additional resource consents needing to be granted by Auckland Council under the RMA 1991.

3. Other resource consents that would be needed in relation to specific activities included within the proposed PC45 subdivision development should be given a high level of consideration before Auckland Council is happy to grant any relevant consent. In particular placement of stormwater structures within the floodplain and the effects either upstream or downstream (including the effects on the proposed balance lot, Lot 14) of the development should be given thorough investigation before such approvals.
4. Any resource consent application granted in relation to Plan Change 45 should include a condition of consent or covenant to be registered on future titles prohibiting any further Rural - Countryside Living Zoning being applied to or approved on what would become the balance farm lot from the 278 Clevedon-Kawakawa Road property (proposed Lot 14).
5. Any such resource consent application should include an appropriate provision or legal mechanism to protect the continued use of the existing infrastructure, as both the culvert/floodgates and their respective stopbank structures should be enabled to be maintained at all times and be required to be kept in a suitable operating condition.
6. Planting requirements for this development should include a protected buffer zone, planted with native trees (reaching 6-8 metres tall on maturity) between the Countryside Living Zone and the Rural – Rural Coastal Zone.
7. Correct recording of scheme plan information for balance lot, Lot 14 and application of appropriate legislation in relation to the current dwellings, their wastewater fields and stormwater disposal at the south/eastern corner of the 278 Clevedon-Kawakawa Road, located in close proximity to the adjacent 340 Clevedon-Kawakawa boundary.
8. Improvements to the roading network for the Clevedon area, including around the entrance of any such developments. Lighting and roading should be designed to be in keeping with the rural environment to minimise the look of an urban development.

I wish to be heard in support of my submission

I could not gain an advantage in trade competition through this submission.

The following customer has submitted a Unitary Plan online further submission.

### **Contact details**

Full name of person making a further submission: Peter Walker

Organisation name: Roscommon Properties

Full name of your agent:

Email address: [pwalker@ashfordlodge.co.nz](mailto:pwalker@ashfordlodge.co.nz)

Contact phone number:

Postal address:

### **Submission details**

**This is a further submission to:**

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

### **Original submission details**

Original submitters name and address:

Peter Mandeno 252 Clevedon kawakawa bay Rd Clevedon

Ross Johnson 2020 Clevedon kawakawa bay rd

Bruce Frizzell 81 Clevedon -Kawakaway Bay rd

Submission number: 14/13/15

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number the entire contents of the submission i support

The reasons for my or our support or opposition are:

I believe that Clevedon requires additional land available for country side rural living especially in close proximity to the village. It allows marginal farming land to better utilized, improved and better resourced in relation to protection of local waterways. The submission offers a low density rural housing area that reflects the character of the area and is in harmony with its environment. I can see no downside to this type of rural development and look forward to the many benefits it would provide to the local area.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 10 February 2021

### **Attend a hearing**

I or we wish to be heard in support of this submission: No

## Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

I am a local who has resided in the area for over 35 years and have a keen interest in the well being of Clevedon and its environs.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online further submission.

## Contact details

Full name of person making a further submission: Trent Archer

Organisation name:

Full name of your agent:

Email address: [archersnz@gmail.com](mailto:archersnz@gmail.com)

Contact phone number:

Postal address:  
90 McNicol Rd  
Clevedon  
RD 5 Papakura  
Auckland 2585

## Submission details

**This is a further submission to:**

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

## Original submission details

Original submitters name and address:

- Submission 13 – Ross Johnson – [ross@johnsonfarm.co.nz](mailto:ross@johnsonfarm.co.nz)
  - Submission 14 – Netherlea Holdings Ltd – [peter.mandeno@xtra.co.nz](mailto:peter.mandeno@xtra.co.nz)
  - Submission 15 – Bruce Frizzell – [frizzprop@gmail.com](mailto:frizzprop@gmail.com)
- Submission No. 20—Helen Gray .email [emnhgray@gmail.com](mailto:emnhgray@gmail.com)

Submission number: 13,14,15 & 20

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:  
Point number 13.1,14.1,15.1,20.1

The reasons for my or our support or opposition are:  
In support of Plan Change No 45

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 12 February 2021

## Attend a hearing

I or we wish to be heard in support of this submission: No

## Declaration



What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

We live in the Clevedon district

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

**Further Submitter details**

**Full Name or Name of Agent (if applicable)**

Mr/Mrs/Miss/Ms(Full Name)

*Johnathon Allen Martin*

**Organisation Name (if further submission is made on behalf of Organisation)**

**Address for service of Further Submitter**

*294 Clevedon Kawakawa Road*

Telephone:

*022 648 1084*

Fax/Email:

*Johnathon@jmservice.co.nz*

Contact Person: (Name and designation, if applicable)

**Scope of Further Submission**

**This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:**

Plan Change/Variation Number	45 (Private)
Plan Change/Variation Name	272, 274 and 278 Clevedon Kawakawa Road

I support :  Oppose  (tick one) the submission of:

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Submission Number

Point-Number

*please see attached to email the 'Further Submission to Plan Change 45'*

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**The reasons for my support / opposition are:**

*please see attached*

(continue on a separate sheet if necessary)

I seek that:

the whole :   
or part  (describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**  *please see attached*  
**disallowed**

I wish to be heard in support of my submission   
I do not wish to be heard in support of my submission   
If others make a similar submission, I will consider presenting a joint case with them at a hearing

*[Signature]* *11/2/2021*  
Signature of Further Submitter Date  
(or person authorised to sign on behalf of further submitter)

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_

\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

*immediate neighbouring property*

\_\_\_\_\_

**Notes to person making submission:**  
A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

**JOHNATHON MARTIN: Further Submission on Proposed Plan Change 45 – 272, 274, and 278 Clevedon-Kawakawa Road**

Submitter Name	Submission number	Support/Oppose	Reasons	Decision Requested
JM Mechanical Services Ltd c/- Johnathon Martin	8	Oppose in part	We originally requested that the Plan Change be accepted with amendments. We now wish to withdraw this view and consider that the dwellings will be detrimental to our lifestyle and business. After further investigation we feel that the Plan Change will enable too many dwellings and does not fit with the planned extension of Clevedon. Our concerns regarding reverse sensitivity, flooding and stormwater drainage still stand.	That the plan change be declined
1. James, Margaret, Robert and Kim Power	10	Support	We agree that the proposed Plan Change sets a precedent and could lead to further ad-hoc development of the valley.	That the plan change be declined.
2. Bernise Emily Milliken	11	Support	We agree that the number of buildings proposed are detrimental to the Milliken's and our rural outlook. We concur that flooding of all the low-lying paddocks occurs at least twice per year and stock safety is a concern. Fatal road accidents have recently occurred in front of our and the applicant's properties causing us to agree that traffic safety is a critical concern.	That the plan change be declined.
3. Trevor Giles and Dianne Giles	16	Support	We confirm that the knoll proposed to be built on is effectively an island in the frequent floods that affect the coastal land at 278 Clevedon-Kawakawa Road. Therefore, we agree that the most appropriate zoning is Rural Coastal. We agree with Point 4 of the submission that an 'uneconomic' farming unit is insufficient justification to change the zoning to allow rural residential to predominate. A loss of prime productive land will result. Stock safety is very much a concern given that we, as neighbours, will undoubtedly need to lend a hand to rescue animals in a flood. The stormwater calculations in this submission confirm our fears that the impervious surfaces have been under-stated, and the resulting stormwater runoff will impact our property, to the point where flooding impacts may increase. This may result in higher and faster flood waters for the larger flooding events, which could cause scouring, and polluted debris from the lifestyle properties covering our paddocks.	That the plan change be declined.

				<p>We completely concur with the points raised from 9-16, and in particular consider that such a precedent set by agreeing to PC45 would result in a loss of the character that is a feature of this area.</p> <p>The listed policies should be upheld with the reasons stated supported.</p>	
4.	Brendan Kingsley Vallings	17	Support	<p>We agree that the proposal does not comply with the Policies and Objectives listed.</p> <p>We agree that native forestries are a potential land use that accords with the productive capability of the land.</p> <p>We also conclude that the Plan Change does not add to the character and rural amenity of the area.</p> <p>We are very concerned that approval of this Plan Change would create a precedent and result in a loss of the rural character that we greatly value. Reverse sensitivity issues may also result.</p> <p>We also concur that no public transport is available to the application site and car transport is the only option to access such a busy road.</p> <p>Wastewater systems could become overloaded and result in contamination of our paddocks in extreme rainfall events.</p>	That the plan change be declined
5.	Clevedon Community and Business Association	18	Support	<p>We agree that the boundary of the proposed Countryside Living Zone does not appear to be defensible. This will result in an erosion of rural character and lead to further extensions of the zone.</p>	That the plan change be declined
6.	Clevedon Cares Incorporated	19	Support	<p>We agree with the entirety of the submission and also agree that the expansion of Sub-Precinct C is unnecessary given the 810 dwellings that can be built closer to the village. The lower lying land at 272 falls naturally within Rural Coastal zoning.</p> <p>We now agree that the number of dwellings proposed will appear as a mini urban settlement and the 'cluster' is too large.</p>	That the plan change be declined
7.	Caroline Greig	21	Support	<p>We agree with this submission in its entirety. The integrity of the Clevedon Precinct Plan needs to be upheld.</p>	That the plan change be declined
8.	Mary Whitehouse	22	Support	<p>We agree that the compact village concept should be upheld. The proposal sets a precedent. We now consider that the number of dwellings will have an urban feel and not what we originally thought.</p>	That the plan change be declined
9.	Josephine Elworthy	23	Support	<p>We agree that the Clevedon Precinct C should have a defensible boundary, and that the Plan Change does not</p>	That the plan change be declined

				meet the objectives and policies of the AUP. We also query why public trails have not been considered.	
10.	Christine Mayo	24	Support	We agree that the proposal will have an impact on the character of the area. The rural lifestyle and maintenance of this is very important to us and our business and other residents.	That the plan change be declined
11.	Lindsey Britton	25	Support	We agree that the proposal will create ribbon development that is incongruous with the community-led Clevedon precinct extent. We agree with the alternative requirements if Council decides to approve the Plan Change.	That the plan change be declined

The following customer has submitted a Unitary Plan online further submission.

## Contact details

Full name of person making a further submission: Stephan Craig Wuffli

Organisation name:

Full name of your agent:

Email address: [wuffli@me.com](mailto:wuffli@me.com)

Contact phone number:

Postal address:  
370 Clevedon Kawakawa Road  
Papakura  
Auckland 2585

## Submission details

**This is a further submission to:**

Plan change number: Plan Change 45

Plan change name: PC 45 (Private): 272, 274 and 278 Clevedon Kawakawa Road

## Original submission details

Original submitters name and address:  
See attached

Submission number: See attached

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:  
Point number See attached

The reasons for my or our support or opposition are:  
See attached

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 12 February 2021

Supporting documents  
CCE11022021 Form 6.pdf

## Attend a hearing

I or we wish to be heard in support of this submission: No

## Declaration

What is your interest in the proposal? I am the person representing a relevant aspect of the public interest

Specify upon which grounds you come within this category:  
I own a neighboring property and have lived here for 10 years

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



FORM 6

FURTHER SUBMISSION IN SUPPORT OF SUBMISSIONS ON NOTIFIED PLAN CHANGE

PROPOSED PLAN CHANGE 45 (PRIVATE) TO AUCKLAND UNITARY PLAN

Clause 8 of First Schedule, Resource Management Act 1991

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TO: Auckland Council

SUBMITTER: stephan Wuffli

1. This is a further submission in support to submissions on the following proposed plan change (the proposal):

Proposed Plan Change 45 (Private) to the Auckland Unitary Plan

2. I am:

A person who has an interest in the proposal that is greater than the interest the general public has as I am [the owner of land within the Clevedon area and reside within the rural area that surrounds the Clevedon village].

3. I support the submissions of:

- Submission 13 – Ross Johnson – 202 Clevedon Kawakawa Road, Clevedon, Auckland 2585 ([ross@johnsonfarm.co.nz](mailto:ross@johnsonfarm.co.nz))
- Submission 14 – Netherlea Holdings Ltd – 252 Clevedon Kawakawa Road, Clevedon, Auckland 2585 ([peter.mandeno@xtra.co.nz](mailto:peter.mandeno@xtra.co.nz))
- Submission 15 – Bruce Frizzell – 81 Clevedon Kawakawa Road, Clevedon, Auckland 2585 ([frizzprop@gmail.com](mailto:frizzprop@gmail.com))

4. The particular parts of the submissions that I support are:

• Submission 20 - Helen Gray - 218 Clevedon Kawakawa Road, Clevedon.  
Cemnhgray@gmail.com

The entire contents of the above submissions in support of the plan change.

5. The reasons for my support are:

I agree that additional opportunities for countryside living need to be provided in the rural areas the surround the Clevedon village given that the provision currently made for such

lifestyle living opportunities in the Auckland Unitary Plan to the north and the east of the Clevedon village is relatively limited.

I consider the area surrounding the plan change site has a rural residential or lifestyle character and incorporates a range of different types of rural lifestyle development from small residential type sites to larger farmlet type sites. The properties in this area therefore all share the common characteristic of being used for low-density living at the rural edge of the Clevedon village. This area is therefore an appropriate area for the provision of additional opportunities for such countryside living.

I agree that the proposed plan change has the potential to result in positive outcomes for the Clevedon community, including:

- The provision of an additional housing choice close to the Clevedon village;
- An increase in the resident population close to the Clevedon village, which will have benefits in terms of the additional custom for businesses in the village, and the increased use of community facilities and services provided within the area;
- The restoration of the margins of the Wairoa River through planting with appropriate native species and the exclusion of stock;
- A substantial increase in the extent of exotic and native vegetation that is provided within the area.

I agree that overall, as set out in the Statutory Assessment Report,

- The plan change site is an appropriate location for the rezoning of land to provide for additional countryside living subdivision and development near the Clevedon village and thereby achieve the sustainable management purpose of the RMA;
- The requested rezoning is the most appropriate way to achieve the countryside living subdivision and development desired on the plan change site;
- The countryside living subdivision and development that will be enabled by the requested rezoning will have minimal adverse effects on the environment and the existing provisions of the Auckland Unitary Plan will ensure that any potential for adverse effects at the time of subdivision and development will be appropriately avoided, remedied or mitigated; and

- The requested rezoning will implement the overall strategic direction identified for the rural areas of the region.
6. I seek that the whole of the submissions be allowed.
  7. I do not wish to be heard in support of the further submissions.
  8. If others make a similar submission I will consider presenting a joint case with them at a hearing.

**DATED** 3<sup>rd</sup> February 2021




---

Signature of person making further submission

The Submitter's address for service is:

 370 Clevedon Kawakawa Road Papakura

Documents for service on the Submitter may be sent to that address for service or may be emailed to @me.com. Service by email is preferred, with receipt confirmed by return email.



**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

**Further Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles, Anthony Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

P O Box 183  
CLEVEDON, 2248

Telephone: (09) 2929255 Fax/Email: d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

**Scope of Further Submission**

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	45 (Private)
Plan Change/Variation Name	272, 274 and 278 Clevedon Kawakawa Road

I  support :  Oppose  (tick one) the submission of:

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Submission Number	Point-Number
<u>15</u>	<u>1</u>

Bruce Frizzel  
P O Box 195  
Clevedon  
AUCKLAND 2248

The reasons for my support / opposition are:

Please see Attached Further Submission Document

(continue on a separate sheet if necessary)

I seek that:

the whole :

or part  (describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

DE Gils  
Signature of Further Submitter  
(or person authorised to sign on behalf of further submitter)

11 February 2021  
Date

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Land owners of adjacent property to the east of  
278 Clevedon-Kowakawa Road

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

# Further Submission

## Submitter details

Trevor Giles and Dianne Giles, Anthony Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272,274 and 278 Clevedon Kawakawa Road

Submitter: # 15

We oppose this submission for the following reasons:

1. The purpose of PC32 (Manukau Operative District Plan 2002) was to set clear defensible boundaries for a planned approach to the sustainable development of the Clevedon Village. This development was planned within a designated area between the boundaries of the Wairoa River and the Taitaia Stream. The I408 Clevedon Precinct legislation does not achieve this purpose and no longer represents the intent behind PC32.
2. Submission 15 surely should provide a reality check to Auckland Council. It is proof that like-minded others, many of which, are merely waiting and wishing to seek the same or similar subdivision development opportunities along this form of intensification. It is apparent to many of those who have taken the time to prepare a submission requesting that PC45 be declined, that the approval of this plan change will set a destructive precedent and provide the catalyst for other landowners and developers. Approval in any way will facilitate additional rural land being cut up solely for the purposes of securing a financial gain by these developers.
3. Submission 15 wishes to extend the I408 Precinct along to Holdens Road. Surely, we can only ask what is next? Most definitely, Plan Changes wishing to extend this Precinct down passed the Urungahau, on to Ness Valley Road and then beyond to Kawakawa Bay. Developers will be provided with the incentive to step by step chip away at the AUP legislation and the supposedly protected rural areas left in the Auckland Region.

4. Through the PAUP's Independent Hearing Panel process, the planned PC32 development area was extended extensively through submissions made on behalf of a number of landowners with properties outside the planned PC32 development area. Decisions made by the Independent Hearing Panel included the allowance of subdivision developments along Clevedon-Kawakawa Road. These subdivisions are set to be totally out of character with their rural surroundings, totally inappropriate and inadequately covered by the I408 Clevedon Precinct legislation. This same Panel increased the impervious surface area from 10% to 20% for each residential lot area within this Precinct, Sub-Precinct C. This has created a situation where lot areas of 6000 m<sup>2</sup> can lawfully create an impervious surface area of 1200m<sup>2</sup>. No catchment wide approach has been undertaken by Auckland Council, or consideration as to how to guarantee attenuation of stormwater run-off from these large impervious surface areas. This issue needs to be addressed properly and done so in order to prevent the discharge of additional stormwater runoff into this catchment's flood plain. Auckland Council are required by I408.3(8) and I408.3(10) to ensure that this is carried out in a manner that prevents additional stormwater runoff from increasing upstream or downstream flooding.
  
5. PC45 is set to test the I408 Clevedon Precinct current boundaries through this proposal, requesting the rezoning of Rural - Rural Coastal land to Rural - Countryside Living, in order to extend the I408 Clevedon Precinct, Sub-precinct C. Doing so will once again test the integrity of the AUP legislation, through a multiple residential house lot development that will produce an outcome that absolutely increases adverse effects that impact on other members of the community, along with the environment.
  
6. As is the case with Auckland Council, developers appear to give little thought as to the consequences of their self-motivated actions. The constant bombardment of proposed Plan Changes and Resource Consent Applications that adversely impact others, ultimately seals the fate of many individual members of the community. This unwanted repetitive burden and intrusion ultimately results with their lives being filled with anguish, anger, and stress. They are forced to defend their chosen way of life, while also trying (often in vain) to uphold the integrity of the AUP(OIP) legislation. Should Auckland Council approve PC45, it will be promoting a precedent that will adversely impact many lives, doing so by providing a means of a continuance for other developers to take full advantage of this change of direction away from the current AUP(OIP) legislation. People deserve a level of certainty, and the appropriate protection from the adverse effects created from these developments. They should not have to live their lives constantly defending and trying to preserve their way of life, due to ill thought through decisions made at local government level or central government level. This ever-present destructive force is contrary to Section 5, RMA 1991, "which enables people and their communities to provide for their social, economic and cultural well-being and for their health and safety."

However, as the Plan Change and Resource Consent processes currently stand, it is absolutely imperative that any 'affected person' is notified and afforded the opportunity to participate in such decisions. It would be unwise for any member of the public to believe that Auckland Council's agenda is likely to be in any one else's interest other than their own.

7. The Clevedon district includes large areas that are well known for problems caused by flooding due to stormwater runoff impacting the both district's floodplains and roading networks. The "Wairoa River Flood Management Plan, Report No.2 Flood Management Study and Plan"

prepared for the Auckland Regional Council covered the Wairoa River catchment and the Taitaia Stream sub-catchment, providing Recommendations, Policies and Objectives.

It is clear that Auckland Council should be enforcing stormwater runoff management compliance at a level that safeguards that the 1% AEP storm event is being attenuated and dealt with at the source of these new impervious surfaces.

Instead, the Stormwater Management Plans required for these new developments ensure a complete discharge of stormwater runoff from the 1% AEP storm event, without a guaranteed method of required attenuation for the 1% AEP storm event.

It is the responsibility of Auckland Council in relation to stormwater drainage and flood control, to control subdivision, building and earthworks standard so as to prevent problems in flood prone land or adverse effects to other property.

Does Auckland Council believe that they have in fact achieved their legislative obligations and responsibilities in relation to quality and quantity flooding issues, as long as 100% of the 1% AEP extreme rainfall event is discharged away from these new developments. Recent communications with Auckland Council staff have left us in no doubt as to the fact that there is no appropriate level of interest or concern on Auckland Councils part when it comes to those who are adversely affected by such inadequate attenuation measures being approved. The measures put forward by Auckland Council as a means of protection for those on the receiving end of this additional stormwater runoff could be best described as a token effort designed to appease themselves of their responsibilities. They certainly do not provide any means of guarantee around the continued compliance of attenuation methods once consents have been granted, or that any form of attenuation has in fact been complied with in respect of the relevant Technical Publications, Guidance Documents, AUP(OIP) legislation or other relevant legislation.

There should be no further development within the Clevedon district until the relevant Council Planning, Resource Consent, Healthy Waters and Compliance Teams, along with Franklin Local Board take a unified and appropriate approach to this issue. The Clevedon district has large areas that are already extremely vulnerable to flooding, so Auckland Council need to get this right in order to prevent serious damage to the floodplain and everything that is located within it.

8. We do agree with submitter with regard to the disgraceful destruction of prime productive farming land, whether it be deemed economic or not. Any landowner who has purchased land within the Clevedon district over the last twenty- thirty plus years has done so with the full knowledge that it is unlikely to be economically viable. We would suggest that the overwhelming reasons for land purchases based in this area has not been done so on the premise of the land being economic. This line of reasoning to support such a plan change would be applicable to the vast majority of landowners through-out this district. It is hard to comprehend how the PAUP Independent Hearings Panel could possibly believe that it was a viable reason to extend the I408 Clevedon Precinct, Sub-precinct C, through the submissions of four landowners with properties along McNicol Road and Clevedon-Kawakawa Road. Most of this extended area included prime land that supported permitted rural productive activities.
9. There will be an unavoidable ecological impact to the Wairoa River and the other waterways from such development projects. The catchment area of the Wairoa River and its tributaries is under continued pressure from these new developments and the continued destruction by those who simply do not care about the pollution they create. What is allowed within this large



catchment area has a significant effect on its watercourses and their health. The dreadful state of the Wairoa River, and many of the roadside drains that take litter and pollutants directly to the watercourses and overland flow paths are a testament to this. Stormwater run-off (and contaminants) from the unnecessary increase in the number of additional impervious surfaces that go hand in hand with these developments, is being given resource consents to channel this stormwater directly to the floodplains. The expansion of the Clevedon Village now appears to have been taken over by the agendas of both the Auckland Council and those of the developers involved. Despite Auckland Council's supposed concern for the many watercourses in this district that make their way to the Hauraki Gulf, it really does not reconcile with the reality of what all of this development will bring. We could only expect that the bottom line (profit) for developers is what matters to them most, there will be little concern or understanding for those that their developments will actually adversely impact.

10. Any such change in zoning and further extension of the I408 Clevedon Village Precinct will increase traffic volume to an already treacherous and busy road (which includes the stretch of road from the Clevedon Bridge, to Holdens Road and beyond). In addition to normal daily use, the Clevedon-Kawakawa road also facilitates large numbers of additional traffic on the weekend as people travel out to Ness Valley, Kawakawa Bay, Orere and further down the Pohutukawa Coast/Pacific Coast Highway.

Clevedon-Kawakawa Road is just one of the main arterial roads in this district that Auckland Transport have shown zero interest in upgrading.

11. The Okauanga Creek is responsible for the frequent flooding of the Clevedon-Kawakawa Road. Stormwater runs across the road, blocking and cutting off many road users during times of extreme weather events, as it makes its way onto the flood plain which includes the lower polo fields and building. It is irresponsible on Auckland Council's part to knowingly allow the increase of volume, frequency, and velocity of stormwater runoff due to an increase in impervious surfaces without the appropriated guaranteed attenuation through an at-source stormwater management device. Such behaviour ultimately creates further risk to the safety of the public due to an increase of upstream and downstream flooding in this catchment area.

**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

**Further Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles, Anthony Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

PO Box 183  
CLEVEDON, 2248

Telephone: (09) 2929255 Fax/Email: d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

**Scope of Further Submission**

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	45 (Private)
Plan Change/Variation Name	272, 274 and 278 Clevedon Kawakawa Road

I support :  ~~Oppose~~  (tick one) the submission of:

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Brendan Uallings  
140 North Road  
RO2 Papakura  
AUCKLAND 2582

Submission Number	Point-Number
<u>17</u>	<u>1</u>

The reasons for my support / opposition are:

Please see Attached Further Submission Document

(continue on a separate sheet if necessary)



I seek that:

the whole :

or part

(describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

*DE Gals*

Signature of Further Submitter

(or person authorised to sign on behalf of further submitter)

Date

*11 February 2021*

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

*Land owners of adjacent property to the east of*  
*278 Clevedon-Kowakawa Road*

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

# Further Submission

## Submitter details

Trevor Giles and Dianne Giles, Anthony Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272, 274 and 278 Clevedon Kawakawa Road

Submitter: # 17

The reasons for our support are:

1. That PC45 does not comply with numerous Auckland Unitary Plan Policies and Objectives in relation to the proposed rezoning of this land, or the multiple resource consents that will be required to enable a subsequent subdivision development.
2. Such a plan change puts into question the integrity, values, and purpose of the AUP(OIP), in particular through the inclusion of PC45 as a justifiable exception to the I408 legislation (I408.6.5.1). The AUP rules are required to be followed by all, but the reality is that Auckland Council are very selective as to who in fact they wish to have their legalisation enforced against.
3. Any form of approval of this plan change will set a precedent and encourage other like-minded developers to follow suit. Subsequently, more members of the Auckland wide community will be adversely affected, having the burden placed on them to uphold the integrity of the AUP against proposed Plan Changes and Resource Consents for activities that are not permitted. This is a situation where there is no financial gain for any of the affected persons, being ordinary citizens that are disadvantaged through work commitments, time constraints, associated costs and the probable level of expertise required. They are expected to carry this burden (cost, time, effort and impact) as they are pitted up against developers who are geared up with their biased 'experts' that are slanted to provide credible evidence to support the feasibility of the applicants claims and proposals.
4. The constant bombardment of proposed Plan Changes and Resource Consent Applications in relation to activities that are not permitted by the AUP legislation has become an intrusion

and unwanted repetitive burden to many individuals and community groups. People deserve a level of certainty and the appropriate protection with regard to the enforcement of the AUP, as it currently stands. They should not have to live their lives constantly defending their chosen way of life, while trying in vain to uphold the integrity of the AUP(OIP) legislation against developers who are encouraged through the unwillingness of Auckland Council and the Environment Court to enforce the AUP legislation.

5. The significant changes to the Unitary Plan already conceded to the developers of 52 North Road clearly does highlight the path in which these developers intend to take the I408 Clevedon Precinct. Despite many submissions by individuals opposing the changes the outcome of 52 North Road, the decision approved by the Environment Court decision has produced a development which is so out of character, out of sorts with what was clearly envisaged. The result can only highlight the inequity of what is playing out here, with developers versing individual members of the community and community groups. This seriously puts into question just how futile this process has become.
6. That the process of making changes to the AUP is stacked strongly and unfairly in favour of an applicant who is incentivised by substantial financial gains. Individuals that are directly affected by such plan changes are at a huge disadvantage due to the following:
  - Lack of knowledge and expertise.
  - Funds to pay for experts to counter the proposals and support their own particular case.
  - Daily work commitments completely isolated from this process.
  - Time and cost restraints.
  - Lack of commitment to the AUP by Auckland Council and the Environment Court where the adverse effects are clearly not less than minor.
7. There should be no intensified development within the Clevedon district while the following is true:
  - A complete dependency on privately owned transport due to distances needed to be travelled daily by most community members for the majority of activities undertaken.
  - There is no suitable public transport provided. It is unlikely that any form of public transport would be diverse enough that it would provide or achieve any significant reduction in road use.
  - There has been a continued unwillingness on Auckland Councils part, past and present to address the unsuitable nature of the roads in the Clevedon district. These main arterial roads were not constructed to cope with the current road user demographic. To further add the massive increase in road movement numbers to be expected from the I408 Clevedon Precinct and the I409 Clevedon Waterways Precinct to an already inadequate roading network will result in greater levels of carnage than is currently being experienced on these roads.  
The flooding issue relating to these roads was addressed by the “Wairoa River Flood Management Plan, Report No.2 Flood Management Study and Plan” prepared for the Auckland Regional Council. Despite their relevance, to date the recommendations outlined in this report have clearly been ignored.

- While the council is still permitting stormwater management systems that are inadequately designed and easily compromised by landowners. The increased adverse effects resulting from allowing systems like this result in the discharge of unattenuated stormwater run-off from new development impervious surfaces. These adverse effects include the problematic flooding of crucial road networks, contamination of the environment, inundation of buildings on other properties (in rainfall events up to the 1% AEP) and the increase in flooding upstream and downstream.
- While Auckland Council is still unwilling to make I408 and I409 planning and resource consent decisions based on a catchment wide basis and to do so in a manner that would ensure the protection of the floodplain as required by TP10 and GD2017/001.



# Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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For office use only Further Submission No:
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## Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles, Anthony Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

PO Box 183  
CLEVEDON, 2248

Telephone: (09) 2929255 Fax/Email: d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

## Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	45 (Private)
Plan Change/Variation Name	272, 274 and 278 Clevedon Kawakawa Road

I support :  ~~Oppose~~  (tick one) the submission of:

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Clevedon Community & Business Association  
cf- secretary@clevedon.co.nz

Submission Number	Point-Number
<u>18</u>	<u>1</u>

The reasons for my support / opposition are:

Please see Attached Further Submission Document

(continue on a separate sheet if necessary)



I seek that:

the whole :

or part

(describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

*DE Gals*

Signature of Further Submitter  
(or person authorised to sign on behalf of further submitter)

*11 February 2021*

Date

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

*Land owners of adjacent property to the east of  
278 Clevedon-Kowakawa Road*

**Notes to person making submission:**

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# Further Submission

## Submitter details

Trevor Giles and Dianne Giles, Anthony Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272, 274 and 278 Clevedon Kawakawa Road

Submitter: # 18

The reasons for our support are:

1. Clear, appropriate, and defensible boundaries are needed to be re-instated and enforced by Auckland Council.
2. Absolute clarity is required with regard I408 to stop the constant intrusion and adverse effects that are now afflicting the members of the Clevedon community.
3. The extension of the PC32 boundaries by the PAUP Independent Hearing Panel, despite the Auckland Council reporting planner's opposition, has provided the catalyst for PC45.
4. There is no justification for further extension of the I408 Clevedon Precinct boundaries and the continued cumulative increase in adverse effects that go hand in hand with them.
5. Relevant I408 legislation should be applied consistently to all land within its current boundaries, including the section of the Sub-precinct C along Clevedon-Kawakawa Road that is not included on the I408-10-2 Map. A lack of consistent legislation is allowing the manipulation of this legislation, i.e. 252 Clevedon-Kawakawa Road Countryside Living subdivision development.
6. Auckland Council needs to stop any further inappropriate subdivision and to reverse in a practical manner the decisions that were put through by the PAUP Independent Hearings committee. Those decisions have been stated to have been rushed, and the Precinct as it now stands is at odds with its own legislation i.e. "The Precinct area is between the Wairoa River and the Taitaia Stream and comprises of 847ha." That is simply not true, therefore this Precinct should be brought back into line in order to comply with this.
7. It is obvious that the I408 Clevedon Precinct legislation has not secured the intentions and aspirations of those who were heavily involved in the PC32 process. Despite their protests Auckland Council appears now content in solely following its own agenda.

8. Perhaps the good intentions behind PC32 (Manukau District Operative Plan 2002) are systematically being destroyed by the actions of Auckland Council, and the developers who are intent on taking full advantage of every weakness they can find and exploit. These developers will draw on any means possible, using the legislation itself, the supporting evidence supplied by their “expert” consultants (complete with disclaimers), along with the inabilities of or lack of interest by some Auckland Council staff to enforce the AUP objectives and policies.
9. The Clevedon district is an area where it is absolutely imperative that Auckland Council get this correct and do so incorporating a catchment-wide strategy to ensure the continued and rightful protection of all current members of this community.

# Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles, Anthony Giles

Organisation Name (if further submission is made on behalf of Organisation)

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I support :  ~~Oppose~~  (tick one) the submission of:

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Submission Number	Point-Number
<u>19</u>	<u>1</u>

Clevedon Cares Incorporated  
c/- info@clevedoncares.co.nz

The reasons for my support / opposition are:

Please see Attached Further Submission Document

(continue on a separate sheet if necessary)



I seek that:

the whole :

or part

(describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

*D E Gals*

Signature of Further Submitter

(or person authorised to sign on behalf of further submitter)

Date

*11 February 2021*

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

*Land owners of adjacent property to the east of  
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# Further Submission

## Submitter details

Trevor Giles and Dianne Giles, Anthony Giles

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Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272, 274 and 278 Clevedon Kawakawa Road

Submitter: # 19

The reasons for our support are:

1. If Auckland Council approve this proposed rezoning, the proposed subdivision development application that will follow on the land subject to PC45 will resemble an urban-style hamlet. This is further reinforced by the presence of the 252 Clevedon-Kawakawa Road subdivision development, due to its close proximity (just to the west and directly across the 272 Clevedon-Kawakawa Road driveway).
2. PC32 (Manukau Operative District Plan 2002) boundaries should not have been extended by the PAUP Independent Hearing Panel, as per the reasons outlined by Clevedon Cares.
3. The proposed development site will be located on much of the limited area of higher ground above the floodplain for the 278 Clevedon-Kawakawa Road rural property. The removal of this area from this farming activity will deprive the new owner of the farm balance Lot 14 of much needed land to house any animals in times of flooding. The majority of the 278 Clevedon-Kawakawa Road land area lies within the flood plain of the lower reaches of the Wairoa River.
4. The Rural – Rural Coastal Tamaki-Firth coastal area zoning for the 272 and 278 Clevedon-Kawakawa Road property appropriately characterizes their location. The saltwater marshes and mangroves that are present along the Wairoa River in this location are typical features of a coastal environment. Those areas are protected by a Significant Ecological Area (SEA) overlay.  
This stretch of the Wairoa River includes a zoning for Coastal mooring.
5. PC45 does not comply with either I408.6.5.1 or E39.6.5.2.1. The proposal by this applicant to be listed within the AUP legislation as an exception to I408.6.5.1. for the development's minimum site size, is unwarranted and would set an unacceptable precedent should this be approved by Auckland Council.

6. It would appear that the planner responsible for both the PC45 and 252 Clevedon-Kawakawa Road is of the opinion that the I408 clustering provisions do not apply here. Auckland Council has allowed the 252 Clevedon-Kawakawa Road countryside living development to be planned without this and other AUP legislation being complied with. What will stop the very same situation being repeated with regards to PC45, especially considering the current scheme plan layout of 11 lots (far in excess of 5) are located either side of a cul-de-sac styled private accessway. This layout certainly does not minimise the urban look.
7. The lack of adequate attenuation of the increased Stormwater runoff will not only adversely impact the floodplain but everything that currently is located within it. The I408 Clevedon Precinct legislation is clear in its intent that any development under this Precinct should not increase flooding either upstream or downstream. Section E8.6.1(3) states that any development must ensure that the diversion and discharge does not result in, or increase, the flooding of other properties in rainfall events up to the 10% AEP, or inundation of buildings on other properties in rainfall events up to the 1% AEP. Section E8.6.1(4) states that the diversion and discharge must not cause or increase nuisance or damage to other properties. However, the actual approach being taken by Auckland Council for this flood prone area does not achieve this and will without a doubt result in the increase of flood water volumes, velocity, and frequency of inundation of the many buildings (including dwellings) that lie within or directly adjacent to this catchments floodplain areas both upstream and downstream of these developments. They have deemed that as long as it is considered to be negligible and the developments stormwater runoff has been mitigated as far as Auckland Council thinks is practicable, that what currently exists within this floodplain should just simply accept their fate, and a new reality. One can only imagine that the conclusions reached and the approach that has been adopted has been drawn from the Tonkin & Taylor reports produced in response to the expansion of the Clevedon Village. Such reports appear to have put very little effort into identifying the adverse effects from I408 Clevedon Precinct developments on the lower reaches of the Wairoa River, and have not been prepared based on a catchment wide approach.  
These new developments will produce a vast increase in impervious surfaces and will be responsible for a major irreversible alteration in the stormwater demographic. What the total expected increase in impervious surface areas are likely to be for this Precinct would appear to be unknown. If Auckland Council know these figures, they certainly seem reluctant to make them public knowledge. It may be that predicting these numbers is just in the too hard to work out basket, which should therefore not instil any level of confidence within the community members of the Clevedon district in either the Franklin Local Board or the relevant departments from Auckland Council. A catchment wide approach is needed here, and they should know exactly what effect the stormwater runoff volume increase between predevelopment conditions and post-development conditions will have on the floodplain and roads of this district. Auckland Council should be able to answer this question, along with how they are going to guarantee the correct installation and use of attenuation tanks as a mitigation device that cannot be tampered with and plugged by landowners or developers once compliance has been granted.  
It is only these new I408 developments that are being assured the highest 1% AEP extreme rainfall event mitigation, discharge, and diversion. Their required Stormwater Management Plans that are being implemented provide a much higher level of protection to the new development itself, ensuring that these new developments are not damaged or suffer from the effects from stormwater runoff. Instead they are shifting the burden into the floodplain through either avoiding their attenuation responsibilities all together or providing an

inadequate level of attenuation (i.e 1% AEP storm event) of the increased volume stormwater runoff at the developments source.

Reports that do not take a catchment wide approach, and in particular the floodplain area located within the lower reaches of the Wairoa River clearly do not provide an accurate assessment of the overall effects of the I408 Clevedon Precinct and the I409 Clevedon Waterways Precinct.

It would appear that Auckland Council have now taken the approach to shift their responsibilities and liabilities to consultants who are in fact engaged and paid by these developers to ensure supposed compliance with the legislation. This is a conflict of interest.

8. The question needs to be raised as to why Auckland Council has produced a Unitary Plan that seems incapable of being upheld or supported by its own Resource Consent, Healthy Waters or Compliance teams. From personal experience it seems clear to us that the Auckland Unitary Plan is only used as a selective mechanism by Auckland Council when it fits their particular agenda or meets a particular threshold of interest for them. Otherwise it would appear that certain developers and their consultants are able to carry out activities that are not permitted by the AUP legislation. They are either aided through the blatant non-compliance of the AUP(OIP) legislation or approval by Auckland Council of inappropriate and unwarranted resource consents.
9. Resource Consent Applications relating to subdivision developments of this nature must be publicly notified.



**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

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Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

**Further Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles, Anthony Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

P O Box 183  
CLEVEDON, 2248

Telephone: (09) 2929255 Fax/Email: d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

**Scope of Further Submission**

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	45 (Private)
Plan Change/Variation Name	272, 274 and 278 Clevedon Kawakawa Road

I support :  ~~Oppose~~  (tick one) the submission of:

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Caroline Greig  
9 McNicol Road  
Clevedon  
R.O.S Papakura 2585

Submission Number	Point-Number
<u>21</u>	<u>1</u>

The reasons for my support / opposition are:

Please see Attached Further Submission Document

(continue on a separate sheet if necessary)



I seek that:

the whole :

or part

(describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

*DE Gils*

Signature of Further Submitter

(or person authorised to sign on behalf of further submitter)

Date

*11 February 2021*

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

*Land owners of adjacent property to the east of  
278 Clevedon-Kowakawa Road*

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

# Further Submission

## Submitter details

Trevor Giles and Dianne Giles, Anthony Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272, 274 and 278 Clevedon Kawakawa Road

Submitter: # 21

The reasons for our support are:

1. PC32 (Manukau District Operative 2002) was to allow for the growth of the Clevedon Village along planned lines. The integrity of PC32 should not be allowed to be further undermined through the I408 Clevedon Precinct legislation by those seeking to bend or change the rules for their own financial gain, especially when it severely impacts other members of the community.
2. The provisions and area included within PC32 (Manukau District Operative 2002) should have been adhered to when the transition to AUP was carried out. PC32 was at the very least the Plan that reflected the feelings and wishes of the Clevedon locals that participated in the consultation and discussions over many years of its planning.
3. PC32 and the different zonings in the Clevedon area were a response to the specific conditions of the area, two of which were the lack of a community wastewater system and much of the Clevedon area being located either in or adjacent to a flood plain. It defeats the gain made around the wastewater problem that had plagued Clevedon Village, when a vast area has now been added to the original more compact proposed PC32, most of which once again will not be serviced by the reticulated wastewater system being currently installed.
4. The adverse effects from the change in peak flow rates from predevelopment to post-development of stormwater runoff from impervious surfaces simply is not being given the level of mitigation or concern that is required for a district that is so heavily influenced by frequent flooding events. Every increase in an impervious surface area that is not being attenuated at source for a 1% AEP storm event, will cumulatively add to the floodplain and roading networks being adversely affected.
5. Any form of approval by Auckland Council of PC45 will open the door to other similar applications.

6. Their argument that PC45 is the most efficient and effective planning approach to achieve a more sustainable use of their land from both an economic and environmental perspective is quite literally an argument (justified or not) that could be used by any other landowner in this district seeking to develop their property. This situation has not altered since the time that Stratford Properties Ltd invested in the 272 and 278 Clevedon-Kawakawa Road properties.
7. The AUP(OIP) should be only allowing development to take place in appropriate areas. Instead Auckland Council staff are accommodating inappropriate development through allowing concessions around AUP compliance for these multiple residential lot developments.
8. The push by developers to seek higher levels of intensification of residential lots for the I408 Sub-Precinct does not meet the intent of PC32. This intensification push includes the intensification provisions for Sub-Precinct C, Countryside Living, and more specifically PC45. Neither PC45, or 252 Clevedon-Kawakawa Road subdivision development comply with the I408 clustered housing standards of this Precinct.
9. The approval by Council of this urban pocket (that will require the alteration of the AUP to enable it) will give other developers not only in the Clevedon area but also Auckland-wide the opportunity and support to argue their own case to achieve the same or similar outcome.
10. The current focus on the appalling state of the Wairoa River appears to be of great concern to Auckland Council. Should this postured protection of this river be of such high priority, then it can only be questioned as to why vast numbers of residential lots and other developments are being built in such close proximity to such a key watercourse. There is no doubt that there will be a substantial increase in contaminants that go hand in hand with intensified human occupation and road use.
11. Increased traffic issues are most likely not going to be addressed by Auckland Council or Auckland Transport.
12. There will be increased light pollution and noise from such an out of character development.
13. All of the adverse effects will further erode the amenity values of not only neighbouring properties of this plan change but also many within the community and those that pass through the area along the Pohutukawa Coast/Pacific Coast Highway.



# Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

## Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles, Anthony Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

PO Box 183  
CLEVEDON, 2248

Telephone:

(09) 2929255

Fax/Email:

d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

## Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	45 (Private)
Plan Change/Variation Name	272, 274 and 278 Clevedon Kawakawa Road

I support :  ~~Oppose~~  (tick one) the submission of:

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Submission Number                      Point-Number

22

1

Mary Whitehouse

c/- mwhitehouse017@gmail.com

The reasons for my support / opposition are:

Please see Attached Further Submission Document

(continue on a separate sheet if necessary)



I seek that:

the whole :

or part  (describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

DE Gals

Signature of Further Submitter  
(or person authorised to sign on behalf of further submitter)

11 February 2021

Date

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Land owners of adjacent property to the east of  
278 Clevedon-Kowakawa Road

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

# Further Submission

## Submitter details

Trevor Giles and Dianne Giles, Anthony Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272, 274 and 278 Clevedon Kawakawa Road

Submitter: # 22

The reasons for our support are:

1. The current Rural – Rural Coastal zoning for the 278 Clevedon-Kawakawa Road property is proposed to be kept for the majority (Lot 14) of this property under PC45. This zoning has very limited subdivision options. However, PC45's proposal to use the Rural – Coastal land area to be allocated to Lot 14 in support of the 11 residential Countryside Living lot development is not a permitted activity under the objectives and policies of the Rural – Rural Coastal Zone Tamaki Firth coastal area. It is also not a permitted activity to use any land area that is not zoned Rural – Countryside Living Zone to calculate density for a I408 Clevedon Precinct, Sub-Precinct C development.
2. The intention of a compact village (Clevedon Village) in a rural area is being compromised, firstly through the PAUP Independent Hearing Panel and now by further proposed Plan Changes such as PC45.
3. To “fix” the wastewater problems in the existing Clevedon Village should not be the catalyst for increasing the wastewater problems else where in the Clevedon district, especially when so much of the Countryside Living area is either close to the Wairoa River, Taitaia Stream, and the Okauanga Creek, along with other watercourses and overland flow paths that make their way to these.
4. The 272 and 278 Clevedon-Kawakawa Road property submitted to be rezoned from Rural Coastal to Countryside Living through the IHP PAUP process. It was not successful the Panel's ruling that the Rural – Rural Coast Tamaki Firth coastal area zone was appropriate in relation to the property's location.
5. Any form of approval or compromise by Auckland Council in regards to PC45 will be seen as precedent setting, undermining the integrity of the AUP and opening the way for similar

applications in a number of Rural Zones (Rural- Rural Coastal, Rural – Rural Production and Mixed-Rural zones).

6. PC45 does not meet the Countryside Living provisions of the AUP (E39.6.5.2.1) or the Clevedon Precinct (I408.6.5.1).
7. The AUP should be providing certainty around subdivision development, but instead Auckland Council is approving subdivisions with multiple unnecessary resource consents that allow activities that are not permitted under their own legislation.
8. The adverse effects of such subdivisions not only destroy the amenity values enjoyed by neighbours and other community members but also impact on the spacious rural aspect and views that visitors to this area highly value.
9. The adverse effects on others (rather than those part of the subdivision) are either ignored or “played down” by Auckland Council. Local knowledge is viewed as either not being relevant or less important than that of the so-called experts. The problem is further exacerbated by the refusal of Auckland Council staff members (including Franklin Local Board) to provide the opportunity for a concern to be listened to or engage with the community members that they represent, when requested. They appear to be of opinion that they and their “political colleagues” categorically know better.



# Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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Auckland Council  
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Private Bag 92300  
Auckland 1142

For office use only
Further Submission No:
Receipt Date

## Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles, Anthony Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

P O Box 183  
CLEVEDON, 2248

Telephone: (09) 2929255 Fax/Email: d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

## Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	45 (Private)
Plan Change/Variation Name	272, 274 and 278 Clevedon Kawakawa Road

I support :  ~~Oppose~~  (tick one) the submission of:

(Original Submitters Name and Address)

Josephine Elworthy  
116 Monument Road  
Clevedon  
2582

(Please identify the specific parts of the original submission)

Submission Number	Point-Number
<u>23</u>	<u>1</u>

The reasons for my support / opposition are:

Please see Attached Further Submission Document

(continue on a separate sheet if necessary)



I seek that:

the whole :

or part  (describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

DE GIB  
Signature of Further Submitter  
(or person authorised to sign on behalf of further submitter)

11 February 2021  
Date

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_

\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

Land owners of adjacent property to the east of

278 Clevedon-Kowakawa Road

**Notes to person making submission:**  
A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

## Further Submission

### Submitter details

Trevor Giles and Dianne Giles, Anthony Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

### Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272, 274 and 278 Clevedon Kawakawa Road

Submitter: # 23

The reasons for our support are:

1. If approved by Auckland Council, PC45 will result in further unprincipled and ad hoc expansion of the I408 Clevedon Precinct. Defensible boundaries should be determined in a considered and principled fashion.
2. This Plan Change highlights the inconsistent application of the I408 Clevedon Precinct, as it does not offer connectivity with Clevedon Village, and in particular trails. Such inadequate legislation has led to applicants for resource consents and plan changes being able to use this to their advantage, so as to avoid certain expectations of this Precincts legislation around a centre communal area, trails, etc. The 252 Clevedon-Kawakawa Road I408 Clevedon Precinct, Sub-Precinct C, Countryside Living subdivision development is an example of this, with the same planner set to apply the same justifications to the area to be rezoned using PC45, should this plan change be approved.



**Further Submission in support of, or opposition to, a notified proposed plan change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only Further Submission No:
Receipt Date:

**Further Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name) Trevor Giles and Dianne Giles, Anthony Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

P O Box 183  
CLEVEDON, 2248

Telephone: (09) 2929255 Fax/Email: d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

**Scope of Further Submission**

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	45 (Private)
Plan Change/Variation Name	272, 274 and 278 Clevedon Kawakawa Road

I support :  ~~Oppose~~  (tick one) the submission of:

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Christine Mayo  
351 Clevedon-Kawakawa Rd  
Clevedon  
AUCKLAND 2585

Submission Number	Point-Number
<u>24</u>	<u>1</u>

The reasons for my support / opposition are:

Please see Attached Further Submission Document

(continue on a separate sheet if necessary)



I seek that:

the whole :

or part

(describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

*DE Gals*

Signature of Further Submitter

(or person authorised to sign on behalf of further submitter)

*11 February 2021*

Date

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

*Land owners of adjacent property to the east of  
278 Clevedon-Kawakawa Road*

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

# Further Submission

## Submitter details

Trevor Giles and Dianne Giles, Anthony Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

Postal Address – P O Box 183, Clevedon, Auckland, 2248

Telephone – (09) 2929255

Email – [d.giles990@hotmail.com](mailto:d.giles990@hotmail.com)

## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272, 274 and 278 Clevedon Kawakawa Road

Submitter: # 24

The reasons for our support are:

1. The building of more houses (continued spread of Auckland) will continue to destroy and impact on our rural landscape, which will have a major impact on the character of this area.
2. The location of the proposed subdivision development on 278 Clevedon-Kawakawa Road will block the views currently enjoyed by the public, that look out across the pastoral flood plains and coastal environment, and beyond toward the Hauraki Gulf.
3. More housing so close to the Wairoa River and flood plain will have adverse effects on the environment. These adverse effects include increased pollution, along with increased frequency, quantity, degraded quality through other contaminants and velocity erosion issues from stormwater runoff. They will further add to the woes of the respective watercourses adjacent to the I408 Clevedon Precinct developments.
4. The proposed accessway is dangerously close to two blind corners and there is no room on the side of the road for turning traffic to safely pull off to before turning.
5. A rural lifestyle is very important to the majority of people who have chosen to live in the largely rural area of the Clevedon district, and the very reason that they love to live here.



# Further Submission in support of, or opposition to, a notified proposed plan change or variation

Clause 8 of Schedule 1, Resource Management Act 1991  
FORM 6



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## Further Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Trevor Giles and Dianne Giles, Anthony Giles

Organisation Name (if further submission is made on behalf of Organisation)

Address for service of Further Submitter

PO Box 183  
CLEVEDON, 2248

Telephone:

(09) 2929255

Fax/Email:

d.giles990@hotmail.com

Contact Person: (Name and designation, if applicable)

## Scope of Further Submission

This is a further submission in support of (or opposition to) a submission on the following proposed plan change / variation:

Plan Change/Variation Number	45 (Private)
Plan Change/Variation Name	272, 274 and 278 Clevedon Kawakawa Road

I support :  ~~Oppose~~  (tick one) the submission of:

(Original Submitters Name and Address)

(Please identify the specific parts of the original submission)

Submission Number	Point-Number
<u>25</u>	<u>1</u>

Lindsey Britton

11 Phillips Road

RDS

PAPAKURA 2585

The reasons for my support / opposition are:

Please see Attached Further Submission Document

(continue on a separate sheet if necessary)



I seek that:

the whole :

or part

(describe precisely which part) \_\_\_\_\_

of the original submission be **allowed**

**disallowed**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

*DE Gals*

Signature of Further Submitter

(or person authorised to sign on behalf of further submitter)

Date

*11 February 2021*

**PLEASE COMPLETE THE FOLLOWING SECTION**

Please tick one

I am a person representing a relevant aspect of the public interest. (Specify upon what grounds you come within this category)

\_\_\_\_\_  
\_\_\_\_\_

I am a person who has an interest in the proposal that is greater than the interest that the general public has. (Specify on what grounds you come within this category)

*Land owners of adjacent property to the east of  
278 Clevedon-Kowakawa Road*

**Notes to person making submission:**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority

If you are making a submission to the Environmental Protection Authority, you should use Form 16C.

# Further Submission

## Submitter details

Trevor Giles and Dianne Giles, Anthony Giles

Physical Address: 340 Clevedon-Kawakawa Road, Clevedon, Auckland, 2585

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## Scope of Submission

Plan Change/Variation Number: PC 45 (Private)

Plan Change/Variation Name: 272, 274 and 278 Clevedon Kawakawa Road

Submitter: # 25

The reasons for our support are:

1. It is clear that for the members of the community that were involved in PC32 (Manukau City Council), that it represents the most valid, appropriate, and significant community based and driven process undertaken with regards the future development of the Clevedon village.
2. Subsequent reviews of PC32 as it was transitioned into the AUP legislation have been far too Council influenced and developer oriented. This has resulted in outcomes for the I408 Clevedon Precinct being barely recognisable as, or in line with the intent of PC32 and what the Community wanted.
3. Approval of 'variations' and proposed plan changes are the result of Auckland Council's reluctance to stay true to this Precincts intent. Auckland Council have required few of these requests to be notified, despite that there is clear evidence that most of these have multiple community, amenity, and individual impacts.
4. Clevedon now has a multitude of very out of place urban style ribbon developments (large and small) either now established across the valley, in the process of being developed or able to be developed in the future.
5. It is a fact that the Clevedon district is seriously lacking in adequate infrastructure to support the current community, let alone what level should be required to be provided in response to the massive increase in populace due to the I408 Clevedon Precinct (and I409 Clevedon Waterways Precinct). Auckland Council simply does not want to address this, which is a deliberate choice to ignore seriously overdue infrastructure requirements and improvements.
6. Clevedon's rural nature has now been scarred with an ever-increasing random urban aspect, being located on land that has only ever been farmed. Land conveniently claimed to be unproductive and uneconomic, however remarkably continues to be deemed economic



enough (even though it is a lesser area) as the Sub-precinct C, Countryside Living subdivision development's balance farm lot.

7. The fact that much of the valley floods horrendously seems also to be of limited interest to Auckland Council. Their legislation responsibility around flooding and increased stormwater runoff clearly is not high on Auckland Council's agenda when it comes to issues that are relevant or of significant importance. Instead their approach is that as long as they deem the increase in flooding levels to be negligible, then everything will be OK. No thought of prevention, no concern for those who will undoubtedly become the victims of such a theoretical attitude, and no accountability for the damage that will occur in the floodplain environment. Auckland Council's laissez-faire attitude toward the right levels of attenuation and mitigation for increased stormwater run volumes from impervious surfaces is most likely sourced from the knowledge that there are so many variables that can affect the flood levels here.
8. PC45 is quite literally testing Auckland Council over how far it will again be willing to give, by potentially allowing a further pushing out of this Precinct boundary and an alteration to the AUP legislation.
9. Auckland Council's decisions over these matters, with its self-evident bias against the community's wishes and toward facilitating all this urban development when its asked to consider some plan variation or resource consent application is now increasingly obvious and seriously questionable.
10. It is hard to comprehend why it is so difficult for Auckland Council to take the correct approach, they should be enabling the communities wishes within the boundaries of their legislative responsibilities in order to achieve the right results. Clearly, Auckland Council have absolutely missed the mark when it comes to doing what is appropriate for the Clevedon District, the people that live here and our environment.
11. It would appear that Auckland Council marches to its own tune, unrepentant as to the damage that it causes through actions taken, while forever steadfast in the belief that being wrong is simply not possible. Every day our family grapples with what Auckland Council has put us through. The sad thing is that what has transpired over the last six years for us will be set to continue, due to the unfortunate location of our property.
12. We totally agree that every last small vestige of higher ground should not succumb to the call for development, especially when the land in question covers a large percentage of the limited amount of higher ground for the 278 Clevedon-Kawakawa Road property.
13. Resource Consent Applications relating to subdivision developments of this nature must be publicly notified.



**APPENDIX THREE**  
**FRANKLIN LOCAL BOARD RESOLUTION**



## Appendix 3 - Local Board Views

### 13 Local board views on private plan change 45 for 272, 274 and 278 Clevedon-Kawakawa Road

Resolution number FR/2021/26

MOVED by Member L Gedge, seconded by Member A Kinzett:

That the Franklin Local Board:

- a) provide the following local board views on Private Plan Change 45 by Stratford Properties Limited for 272, 274 and 278 Clevedon-Kawakawa Road:
  - i) have concern that an approved plan change will set a precedent for other landowners, resulting in more requests for rural land to be used for housing and unmanaged (ribbon) development to evolve
  - ii) acknowledge community concern for the extra traffic and volume of traffic movements on Clevedon-Kawakawa Bay Road and other feeder roads noting that these roads are of insufficient design to safely support increases in traffic volume
  - iii) acknowledge concern for the ecological impact on the Wairoa River and beyond the immediate development footprint.
- b) decline the opportunity to appoint a local board member to speak to the local board views at a hearing on Private Plan Change 45.

CARRIED



**APPENDIX FIVE**  
**COUNCIL SPECIALIST ASSESSMENTS**





# Technical Memo

28<sup>th</sup> May 2021

To: **Matthew Gouge**, Senior Policy Planner

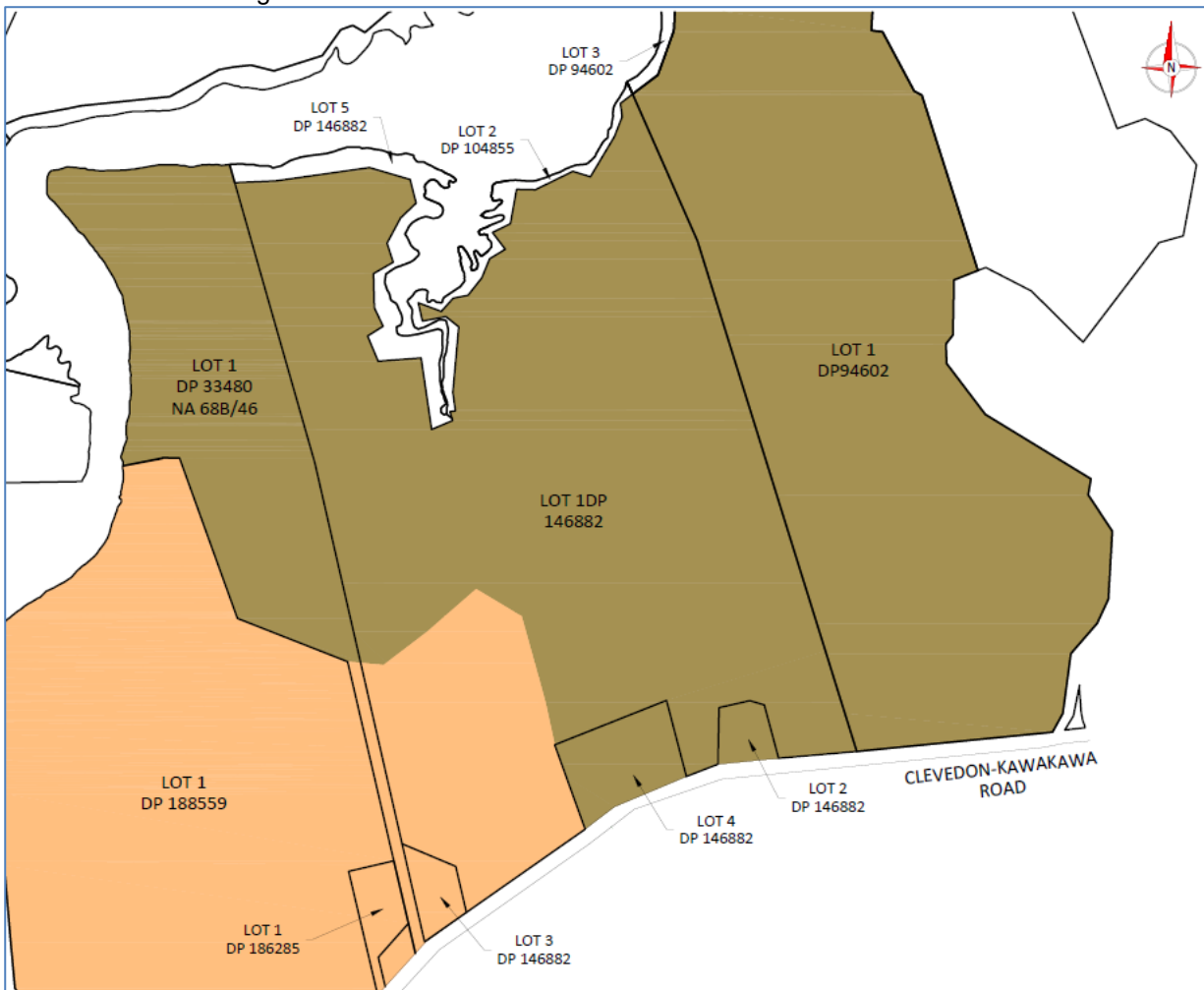
cc: **Paul Klinac**, General Manager, Engineering Technical Services, **Christoph Soltau**, Coastal Management Practice Lead, Engineering Technical Services;

From: **Natasha Carpenter**, Coastal Management Practice Lead, Engineering Technical Services

Subject: **Private Plan Change PC45: 272, 274-278 Clevedon -Kawakawa Road Coastal Hazards Review**

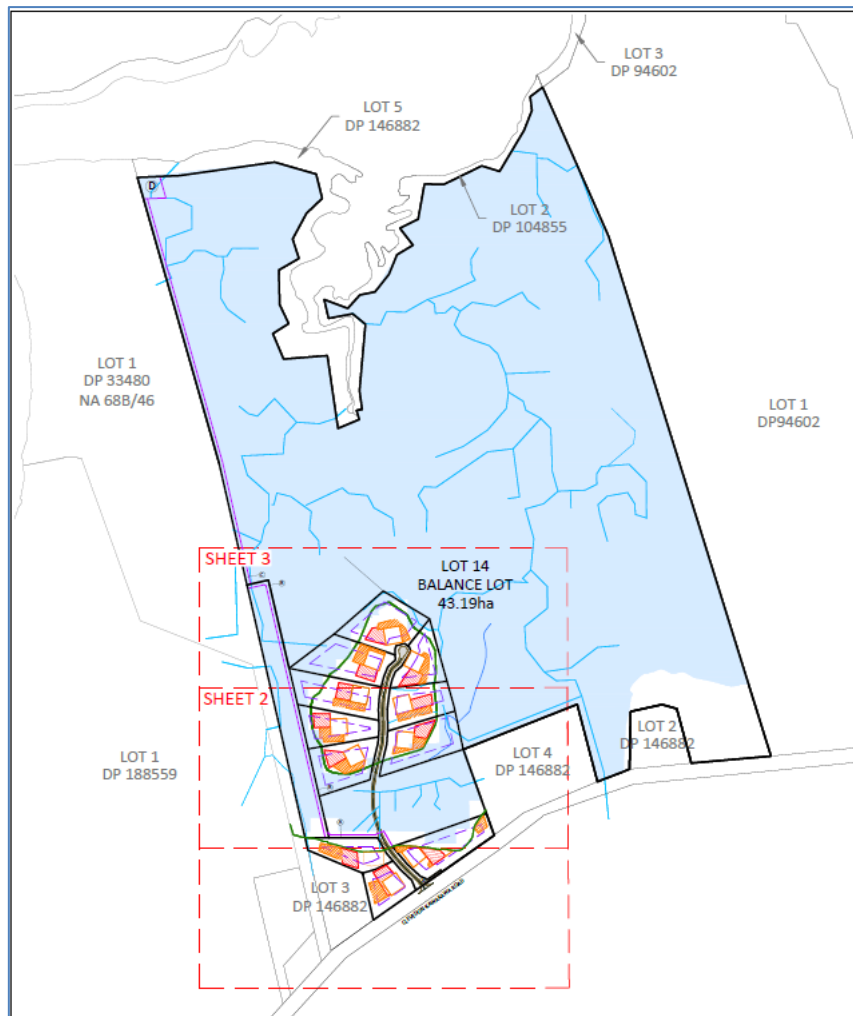
## 1.0 Introduction

- 1.1 I have undertaken a review of the private plan change 45 (PC45) on behalf of Auckland Council in relation coastal hazards and climate change (including sea-level rise) at the site, their potential effects and proposed management.
- 1.2 PC45 seeks to rezone approximately 9 hectares of land across the sites at 272, 274 and 278 Clevedon-Kawakawa Road from their current 'Rural – Rural Coastal' zoning to 'Rural – Countryside Living' zone and to extend the Clevedon Sub-Precinct (Sub Precinct C) over this area. Approximately 58 Hectares of the remaining land in the subject sites will be retained within the 'Rural – Rural Coastal' zone, as summarised in Figure 1.



**Figure 1: Requested plan change map. Brown area showing Rural – Rural Coastal and orange area showing Rural-Countryside Living. (Source: Lands and Survey)**

1.4 The private plan change would enable the development of 11 Countryside Living dwellings and a shared driveway within the land to be rezoned Rural Countryside Living, as outlined in Figure 2.



**Figure 2: Proposed building sites in the subdivision scheme plan (Source: Lands and Survey)**

1.5 This Technical Memo has been drafted to consider the potential effects arising from the proposed plan change and associated activities, with a particular focus on the impacts of coastal hazards and climate change. In writing this memo, the following documents have been reviewed:

- Appendix 2 – Requested Plan Change Map for proposed rezoning prepared by Lands and Survey, dated 02/ 10/2019 (Amendments B)
- Appendix 3.2 – Subdivision Scheme Plan prepared by Lands and Survey
- Appendix 5 - Engineering and Infrastructure Assessment Report prepared by Lands and Survey (Auckland) Ltd, dated 19/ 07/2019 (Version 2). Hereafter referred as the infrastructure report in the memo.
- Statutory Assessment Report prepared for the Clevedon – Kawakawa Road Private Plan Change request by Lands and Survey (Auckland) Ltd, dated 29/10/2019 (revision No 2).

1.6 Section 2 of this memo outlines the key issues at the site in relation to coastal hazards and any proposed mitigation. Section 3 provides a brief summary of the applicants assessment to support PC45. Section 4 outlines my assessment considering the coastal hazards and climate change effects the site is exposed to and relevant statutory considerations.

## 2.0 Key Coastal Issues

2.1 The key issues with respect to coastal hazards and sea-level rise, and any proposed mitigation are summarised below.

### ***Coastal Inundation***

- 2.2 The site at 272-278 Clevedon to Kawakawa Road is bounded to the north by the Wairoa River. The coastal marine area boundary of Mean High Water Springs (MHWS) is located approximately 1km seaward of the site. However, owing to the low-lying nature of the land, the majority of the site is subject to coastal inundation and flood hazards, both of which will be exacerbated over time by the impacts of climate change including sea-level rise.
- 2.3 Coastal inundation is the flooding of normally dry, low lying coastal land due to extreme water levels. Extreme sea levels can result from a number of processes including astronomical tides, monthly mean sea level anomalies and storm surge. The frequency of extreme events and high water levels will continue to increase in the future owing to climate change effects including sea-level rise.
- 2.4 Best available information regarding coastal inundation extreme water levels at the site is currently outlined in Auckland Council Technical Report 'Auckland's exposure to coastal inundation by storm tides and waves' (Carpenter et al, 2021) and supporting online natural hazard mapping. Based on this information, the present day 1% Annual Exceedance Probability (AEP) coastal inundation level is predicted to be 2.27 m Reduced Level (RL) just downstream of the site. The 1% AEP is equivalent to a 1 in 100 year Average Recurrence Interval, meaning it has a likelihood of occurring at least once every 100 years or a 1% chance of occurring in any given year.
- 2.5 Figure 3 outlines the extent of the Coastal Inundation 1% AEP (blue) and the Coastal Inundation 1% AEP plus 1m Sea Level Rise (white), with 278 Clevedon to Kawakawa Road highlighted. The timeframe for 1m of sea-level rise varies according to the climate change scenario (Resource Concentration Pathway, RCP) that eventuates. Based on the Coastal Hazards and Climate Change Guidance for Local Government (Ministry for the Environment), it can be anticipated that 1m of sea level rise will eventuate by 2100 under RCP 8.5 H+ or 2215 under RCP 8.5m, which correspond to the highest of the four current RCP trajectories. If climate emissions significantly reduce, 1m of sea level rise could occur by approximately 2200 under the lower RCP scenarios. Rising sea levels will both increase total water levels associated with extreme events, as well as increasing the frequency of present day scenarios re-occurring over time.
- 2.6 Both the 1% AEP coastal inundation and 1% AEP plus 1m sea level rise areas trigger specific activity controls under the Auckland Unitary Plan (AUP), particularly under Chapter E.36 Natural Hazards and Flooding. However, it can be noted that while the part of the land proposed to be rezoned as 'Rural – Rural Countryside Living' Zone, is largely surrounded by the 1% AEP plus 1m sea-level rise coastal inundation layer, it is situated above it owing to higher land topography at this location.



Figure 3: Coastal inundation extent under the 1% AEP (blue) and 1% AEP plus 1m sea-level rise (white)

- 2.7 Overlaying Figure 2 (subdivision scheme plan) with Figure 3 (Coastal inundation extent), the three lots at the south of the site and the main access road will be located outside of the 1% AEP plus 1m sea-level rise extent. However, the eight lots situated to the north of the proposed subdivision are predicted to be surrounded by the coastal inundation flood extent during a 1% AEP plus 1m sea-level rise event. This will create an 'island' of habituated land during storm events, connected via a shared accessway across the inundation extent.
- 2.8 River and catchment flooding are considered separately in the Technical Memo of Irish Jayawardena (Healthy Waters, 2021). However, it can be noted that predicted flood plain levels with climate change exceed those predicted by coastal inundation and sea-level rise, with the flood plain extent further encroaching around the site.

### ***Hazard mitigation***

- 2.9 The engineering and Infrastructure report outlines the flood risk assessment and proposed stormwater mitigation for the site. Mitigation methods have a focus on habitable floor levels, stormwater rain tanks and swales.
- 2.10 As previously noted, coastal inundation levels at the site are predicted at 2.27m RL for the present day 1% AEP event, excluding future sea-level rise. Finished floor levels for the proposed development will be set at a minimum level of 4.9m RL, based on the greater 1% AEP catchment flood level (4.4m RL) plus the addition of 0.5m freeboard.
- 2.11 The remaining hazard mitigations proposed to support PC45 focus on catchment flooding and stormwater management and are outside the scope of this Memo (see Jayawardena, 2021).

### **3.0 Applicant's assessment**

- 3.1 While the greenfield site at 272 and 278 Clevedon to Kawakawa Road is exposed to both the Coastal Inundation 1% AEP and the 1% AEP plus 1m – 1m Sea Level Rise Controls under AUP, the Infrastructure report concludes that the proposal to subdivide it and create 11 countryside living lots is feasible from a technical engineering perspective and can be achieved in accordance with the requirements of the AUP.
- 3.2 The above conclusion appears to be largely weighted on the location of the majority of the proposed rezoned Rural Countryside Living area outside or above the 1% AEP plus 1m sea level rise extent, with future lots and associated infrastructure also located above the higher 1% AEP flood levels. For

example, FFLs of habitable buildings are to be set at a minimum 4.9 m RL to provide a freeboard of 500mm above the flood level of 1% AEP storm event with climate change (note this is higher than the present day 1% AEP coastal inundation level of 2.27 m RL). In addition, access to the 8 lots isolated by the coastal inundation and flood plain extents is to be provided by a driveway with design levels above the 1% AEP flood event plus freeboard.

#### **4.0 Assessment of coastal hazards and management methods**

##### *Proposed development and likely effects on the receiving environment*

- 4.1 The plan change site is a greenfield area that adjoins the Wairoa River on the northern boundary and is approximately 1km upstream from the MHWS boundary. Lots are proposed to utilise the raised land area outside and/or above the floodplain and coastal inundation area, with FFLs of habitable buildings set above the assessed 1% AEP flood level of 4.4m RL with the addition of a 0.5m freeboard. Access to and from the lots will be provided via a private shared 3m wide shared driveway on the 1% AEP flood plain but is proposed to be raised above the flood level to provide a minimum freeboard of 200mm during a 1% AEP flood event.
- 4.2 While the lots are technically sited outside of the floodplain, the 8 northern lots are fully enclosed by the coastal inundation 1% AEP plus 1m sea level rise and 1% AEP flood plain areas. In effect, during extreme weather events there is potential for the site to appear as an 'island' feature with limited access via the raised elevation shared driveway.
- 4.3 Overall, the area proposed for rezoning is located on a complex, low lying floodplain exposed to both the coastal inundation hazard from its source at the mouth of the Wairoa River, as well as catchment flooding from the significant upstream catchment. The site is subsequently also at risk of exposure to cumulative hazard events, and both hazards will be further exacerbated by future climate change effects including sea-level rise. No detailed modelling of the potential flood hazards, climate change effects or the potential impacts of a joint probability event has been undertaken, which leaves uncertainty over the full extent of the future flood zone.
- 4.4 In my opinion the proposed rezoning presents a higher degree of risk than currently provided for. This is demonstrated by the classification of residential dwellings under the AUP definitions as a more vulnerable activity and their proposed location on a site surrounded by multiple natural hazards.
- 4.5 The Technical Memo of Jayawardena (2021) has discussed the proposed stormwater management mitigations and potential limitations. No additional coastal engineering mitigations are considered for review. I agree with Mr Jayawardena that while PC45 is technically feasible, the potential future adverse effects of natural hazards (including coastal inundation and climate change) at the site, make rezoning and residential development inappropriate in my opinion.

##### *Relevant statutory considerations on assessing the effects on the environment*

- 4.6 The Resource Management Act (1991), New Zealand Coastal Policy Statement (2010) and the Auckland Unitary Plan (Operative in Part) are key statutory documents when assessing the effects of coastal hazards and ensuring sustainable future development.
- 4.7 The NZCPS (2010) recognises the diverse issues facing the coastal environment of Aotearoa and sets out a range of objectives and policies to safeguard its future. The Statutory Assessment Report largely discounts the NZCPS, considering the site largely outside the influence of coastal processes. While the site is landward of the MHWS boundary, it is still influenced by coastal processes, and in particular the extent of the coastal inundation hazard. Therefore, in the context of PC45, in my view Policy 25 should be given regard to.

##### *Policy 25 Subdivision, use and development in areas of coastal hazard risk*

*In areas potentially affected by coastal hazards over at least the next 100 years:*  
*(a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;*

- (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*
- (c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- (d) encourage the location of infrastructure away from areas of hazard risk where practicable;*
- (e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and*
- (f) consider the potential effects of tsunami and how to avoid or mitigate them.*

- 4.8 Considering the 1% AEP plus 1m sea-level rise coastal inundation extent that has the potential to isolate the majority of the proposed residential lots, I am concerned whether 25(a)(b) have been adequately given effect to. A present day 1% AEP event is equivalent to a 100 year Average Recurrence Interval while 1m of sea-level rise is likely to occur by 2100 under RCP 8.5 H+ or RCP 2215 under RCP 8.5m as outlined in the Ministry for the Environment's 'Coastal Hazards and Climate Change Guidance for Local Government' (2017). Furthermore, as sea-levels rise the frequency of the present day 1% AEP event will increase. This will expose the site to more frequent and potentially more extreme inundation over time.
- 4.9 As discussed by Jayawardena (2021), Chapter B10 – Environment Risk of Auckland's Regional Policy statement includes a range of objectives and policies that seek to avoid subdivision use and development, including infrastructure within areas more susceptible to climate change and natural hazards. I support Mr Jayawardena's concern as to whether PC45 gives effect to RPS B10.2 Objectives (1) (2) (3) (4) and (5). While PC45 has provided for freeboards of the building platforms and accessways above the highest predicted 1% AEP flood level plus freeboard, the site is situated downstream of a large catchment. This is a complex low-lying flood plain exposed to multiple natural hazards and climate change effects. As part of this proposal, I do not consider that the potential effects of cumulative hazards and the uncertainty associated with climate change impacts (including sea-level rise) has been adequately provided for. This means there is potential for higher, more frequently flood levels than currently provided for, creating a new, long term risk to people, property and infrastructure at the site.
- 4.10 The Identification and Risk Assessments Policies under B10.2.2 also relate to natural hazards and seek to ensure that the risks of natural hazards have been adequately assessed and that subdivision does not contribute to or is affected by natural hazards. In particular, natural hazard risks are to be assessed taking a precautionary approach and with consideration of the occurrence of natural hazard events in combination. While both the flooding and coastal inundation hazards with climate change have been considered, no site specific assessment of the potential impacts of multiple hazards has been undertaken leaving uncertainty over the extent of the flood plain and extreme water levels under low frequency but high magnitude events.
- 4.11 Overall, the RPS presents a hierarchy of 'avoid, remedy, mitigate' adverse effects. In my view, the upzoning of land surrounded by the coastal inundation and flood plain plus climate change effects, as proposed by PC45 is not consistent with this policy direction. It will create an island of more vulnerable development that will potentially be isolated by or exposed to flood events and climate change effects over time of increasing magnitude and frequency.
- 4.12 Chapter E36 Natural hazards and flooding of the AUP contains objectives, policies and rules which relate to development within land that is subject to natural hazards and flooding. Policy 6 Coastal Hazards specifically directs to:
- Avoid subdivision, use and development in greenfield areas which would result in an increased risk of adverse effects from coastal hazards, taking account of a longer term rise in sea level.*
- 4.13 In my view, the above policy also directs the adequate consideration of sea level rise greater than 1m given the new and ongoing risks associated with greenfield development. The MfE Guidance (2017)

categorises greenfield development in 'Category A' when considering minimum transitional allowances for future sea level and scenarios for use in planning. Under Category A the recommended response is 'Avoid hazard risk by using sea-level rise over more than 100 years and the RCP H+ Scenario'. Based on current sea-level rise projections for New Zealand this would promote total sea level rise figures of 1.36m to 2120 and 1.52m to 2130 be considered within such land use planning. These total rates are significantly greater than currently allowed for within the coastal inundation and flood plain with climate change modelling considered within PC45.





12 March 2021

To: Cosette Saville - Planner, Auckland Council

From: Rob Burden, Consultant

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**Subject: Private Plan Change – PC45 – 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon – Land Contamination Assessment**

## **1.0 Introduction**

1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to land contamination effects.

I have over thirty-five years' experience in the investigation and management of contaminated land including extensive international experience. I also have over twenty years' experience providing advice to Auckland Council and its predecessors on contaminated land and related issues including policy development.

1.2 In writing this memo, I have reviewed the following documents:

- Private Plan Change Request, Statutory Assessment Report, 272,274 and 278 Clevedon Kawakawa Road, Clevedon, prepared by Lands and Survey (Auckland) Limited and dated 01 April 2019.
- 278 Clevedon Kawakawa Road, Preliminary Site Investigation, prepared by 4Sight Consulting Limited and dated April 2020.

## **2.0 Key Land Contamination Issues**

Potential land contamination related to the proposed plan change is subject to provisions in the National Environmental Standard Contaminated Soil (NESCS) and Chapter 30 of the AUP-OP.

It is important to assess whether hazardous activities and industries on the Ministry for the Environment list are or have been undertaken on the land subject to the proposed plan change and to assess the potential for land contamination associated with any hazardous activities or industries.

## **3.0 Applicant's assessment**

The applicant carried out a Preliminary Site Investigation (contaminated land) (PSI) to identify the potential for land contamination. This is the appropriate initial approach to identifying potential land contamination effects on the environment.

The PSI report concluded that no HAIL activities are or have been carried out on the Piece of Land subject to the private plan change and, as a result, the provisions of the NESCS do not apply. I agree with the applicant's conclusion. In addition, there was no evidence of potential soil contamination that may trigger the provisions of the AUP-OP Chapter 30.

In response to a s92 request for further information from Council, the applicant confirmed that the properties at 272 and 274 Clevedon Kawakawa Road are not included in the area of land that is proposed to be developed which is referred to as the Piece of Land in the PSI report and is located within 278 Clevedon Kawakawa Road.

The applicant also confirmed that the small farm buildings are outside the Piece of Land and the remainder of the site will continue to be used as production land and that there is no evidence of uncertified fill, historical horticultural activity or farm dumps on the Piece of Land.

#### **4.0 Assessment of contaminated land effects and management methods**

An adequate and appropriate assessment of the potential for land contamination in relation to the proposed plan change has been carried out. In addition, the applicant has provided satisfactory responses to Council's s92 requests for further information.

The applicant noted that if soils are to be disposed offsite, they would likely be considered as cleanfill, however, this should be confirmed by analysis and confirmation by the receiving facility prior to removal from the site.

There is potential for asbestos containing materials to be present in building materials on the site that are located outside the Piece of Land. Should removal of the buildings be required, an asbestos survey of the buildings should be carried out and, should asbestos be confirmed, the removal/demolition should be managed in accordance with the Health and Safety at Work (Asbestos) Regulations 2016 for the and the WorkSafe New Zealand approved Code of Practice for the Management and Removal of Asbestos.

#### **5.0 Submissions**

There were no matters raised in submissions relevant to contaminated land.

#### **6.0 Conclusions and recommendations**

In my opinion the applicant has appropriately assessed the potential effects on the environment of soil contamination related to the proposed private plan change by carrying out a Preliminary Site Investigation (contaminated land).

I agree with the applicant's conclusion that there appear to have been no HAIL activities that are currently or have previously been undertaken on the land subject to the proposed plan change and, on this basis, the NESCS is not applicable.

In terms of contaminated land, I am able to support the private plan change without modifications.

## Memo (technical specialist report to contribute towards Council's section 42A hearing report)

12 March 2021

To: Cosette Saville - Planner, Auckland Council

From: John Newsome – Senior Development Engineer, Auckland Council

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**Subject: Private Plan Change – PC45 – 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon – Development Engineering Assessment**

### 1.0 Introduction

1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to development engineering effects.

My qualifications are a BSc (Earth Sciences, Waikato) together with 10 years-experience with a geotechnical consultancy (Foundation Engineering Ltd 1981 – 1990) and 30 years as a Development Engineer with Council (Manukau City Council/Auckland Council 1991 – 2021).

1.2 In writing this memo, my research has included review of the following documents:

- Statutory Assessment Report, Private Plan Change Request – 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon, prepared for Stratford Properties Limited, Prepared by Lands and Survey (Auckland) Ltd, dated 29/10/2019
- Appendix 2 – Requested Plan Change Map, drawing titled – proposed re-zoning (Dwg # 117536 – 160 (rev B), prepared by Lands and Survey Ltd
- Preliminary site investigation (version 3.0), 278 Clevedon-Kawakawa Road, prepared for Stratford Properties Limited, Prepared by 4Sight Consulting, October 2019
- Subdivision Scheme Plan.
- Technical Report No 1 - Geotechnical Investigation Report
- Engineering and Infrastructure Assessment Report, 272 and 278 Clevedon-Kawakawa Road, Clevedon, Countryside Living Subdivision, prepared for Stratford Properties Limited, Prepared by Lands and Survey (Auckland) Ltd, dated 25/10/2019
- Technical Report No 4 - Transport Assessment

### 2.0 Key Development Engineering Issues and assessment

#### • Geotechnical

A geotechnical investigation was reviewed to assess ground conditions, site stability, determine the presence of safe & stable building platforms and access, and consider preliminary geotechnical considerations for future development.

I am satisfied that the geotechnical report submitted provides adequate assurances on the suitability of the property for the development as proposed. The report gives a favourable summary of soil conditions and provides the necessary soil parameters for subsequent building works.

#### • Flooding

As detailed on Council's Geomaps, the subject sites are located within the 1 per cent AEP flood plain and contain major and minor overland flow paths. The subject sites are also identified as being subject to the Coastal Inundation 1 per cent AEP plus 1m sea level rise control within the Unitary Plan. Both these potential flood levels are closely related for this area.

The flood assessment aligns with the Councils GIS assessment of predicted flooding and adequately takes account of projected 100-year sea level rise. A generous 500mm freeboard is also proposed for buildings which is easily achieved with the existing site levels.

The majority of the development area is positioned on a flood-free area of the property, with all proposed building sites and effluent disposal field areas in particular elevated above predicted

flood levels. Proposed earthworks to create the main driveway will also ensure that there is always flood-free access to and from the Clevedon-Kawakawa Road for all sites.

I consider that the runoff from this development will have no measurable effect on flood levels in the greater catchment area. In this regard, regular flooding of the Wairoa River that is experienced is principally a natural process in a largely rural area. The runoff from the rural countryside creates the bulk of the flood waters, and when this is coupled with major sea level and tidal effects on the lower-lying land, is an overwhelming historical process that is not particularly influenced by such sparse housing development.

- Earthworks, erosion and sediment control

The earthworks comprise cut to fill of 5,500m<sup>2</sup> associated with the construction of the shared access road, passing bays, swale drain, vehicle crossing and bin collection area. There is also installation of culverts and network utility connections. Earthworks volumes consist of cutting of 140 m<sup>3</sup> and filling of 3,250 m<sup>3</sup>, with 3,110 m<sup>3</sup> of this being imported onto the site.

The earthworks will be situated within a relatively small area, principally associated with the private access roading on a gently sloping part of the property. The majority of the works involve trucking soil onto the property, thus there is effectively no open cut area on site to contend with during adverse weather conditions. There is a very broad buffer area between the work site and the receiving environment of the Wairoa River, associated streams and the coastal marine area.

Erosion and Sediment Control will be implemented during the earthworks operation in accordance with industry best practice and the Auckland Council Guideline Document 2016/05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05). I am satisfied that with the site conditions available, and with the mitigation measures proposed, the earthworks operation can proceed safely without any significant adverse effects.

- Site access and shared access road

A new vehicle crossing access is proposed to be constructed from Clevedon – Kawakawa Road onto the site. A new stormwater pipe will be constructed underneath the new site access to convey the existing flows within the road-side drain.

A new shared driveway will be provided. The driveway has been designed to provide a minimum freeboard of 200mm above expected flood levels with a culvert crossing the drive to cater for any potential ponding created.

The new shared driveway will be 3.5m wide with 5.5m wide passing bays and will meet the Council's requirements.

- Stormwater management including Stormwater detention, Swale and Culvert design

On-site disposal of stormwater is proposed. As all properties will be on tank water supply, these tanks will at times cater for a significant proportion of the rainfall from roof runoff. Water from hardstanding areas (and the inevitable water supply tank overflows) will be directed to detention tanks to cater for the 1 in 10 year return rainfall event. Water from these tanks will be slowly released to level spreaders to return water to overland flow. This methodology is a very practicable solution in such circumstances where there is no stormwater system available and where there is no stream or other such suitable disposal area immediately available to each site. It is considered that this method will be very compatible with the existing land contour which will promote mitigation of effects between respective new lots and adjacent properties. I consider that to a great extent the proposed methodology also recreates the current runoff characteristics of the existing pastureland. Meeting the 1 in 10 year event complies with our servicing requirements for residential development. (Consideration to 1 in 100 year events applies more to the creation of building sites for subsequent construction, and not for servicing.)

- Water supply including firefighting water supply

There are no public water supply services in this area and water servicing will be provided by individual private storage tanks refilled by roof water runoff. Tanks will also cater for fire-fighting capability.

- Wastewater management

There are no public wastewater services in this area and servicing will be provided by individual private treatment and disposal systems. The lots would also have reserve disposal areas.

I have reviewed the supporting information for on-site wastewater disposal for this low-density development. I am satisfied that given the available land area available within each lot which is not affected by flooding, the land contour available and the soil type characteristics, that a suitable on-site treatment and disposal system is workable for each new allotment/building site.

Note that properties in Subprecinct C are not required to be connected to a public wastewater system.

- Network utilities

Network utility services will be reticulated into the development, generally in accordance with the usual urban development standards.

### Summary

I confirm that the methodology, review of issues and conclusions reached in the applicant's engineering assessment meets the Council's requirements.

Furthermore, I note the following engineering matters particularly meet the provisions and rules within the Clevedon Precinct;

- Locations of building sites and effluent disposal areas in relation to flood risk,
- Mitigation of stormwater runoff effects
- Avoiding earthworks and modification within the flood plain, to not compromise or reduce the flood storage and conveyance function of the 1% AEP flood plain and overland flow paths.
- manage the provision and development of necessary infrastructure to minimise effects on hydrology.
- Ensure development does not increase adverse effects from flood hazards.
- Ensure sufficient capacity of water supply of potable standard is available for use including (but not limited to) firefighting requirements.

### **3.0 Submissions**

Submissions relating to engineering matters refer mainly to concerns on earthworks, the effects of flooding, stormwater and wastewater disposal including the possible impact on the adjacent sensitive stream environment.

I consider that concern for these effects is unfounded as the application has adequately demonstrated that these effects can be avoided and mitigated.

### **4.0 Conclusions and recommendations**

- I consider that the applicant has adequately assessed the private plan change effects on the environment related to engineering effects.
- From an engineering perspective I can support the private plan change without modifications to the precinct provisions.

John Newsome

Senior Development Engineer

10 May 2021

To: Matthew Gouge - Planner, Auckland Council

From: Carl Tutt – Ecologist, Auckland Council

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**Subject: Private Plan Change – PC45 – 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon – 45 Assessment**

## 1.0 Introduction

- 1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to ecological effects.
- 1.1.1 I hold the qualifications of Bachelor of Science in Biology and Post Graduate Diploma in Environmental Management from Auckland. I have 8 years' experience working as an ecologist in private and local government sectors.
- 1.1.2 I have completed the Auckland Council Stream Ecological Valuation (SEV) training (2015).
- 1.1.3 I am a professional member of the New Zealand Ecological Society, Environment Institute of Australia and New Zealand, New Zealand Freshwater Sciences Society and New Zealand Herpetological Society.
- 1.2 In writing this memo, I have reviewed the following documents:
- 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon, by landsurvey, dated 4 November 2019.
  - 272 and 278 Clevedon-Kawakawa Road, Ecology Report, by 4Sight Consulting, dated September 2019.
  - Landscape Plan Set, by Greenwood Associates, dated 5 September 2019.
- 1.3 I undertook a site visit on 24<sup>th</sup> February 2021.

## 2.0 Key ecological Issues

- 2.1 There is an inconsistency between the area of restoration area B in the ecological report and landscape plans. I am supportive of the proposed ecological restoration however, for avoidance of doubt the proposed location and area of each restoration area should be shown on the plan accompanying this plan change.
- 2.2 Part of the proposed restoration areas B and C is within land not owned by the applicant. The applicant has not demonstrated how proposed restoration areas on land not owned by the applicant will be protected in perpetuity.
- 2.3 Areas B and C both contain culverts with flood gates to prevent tidal inundation. The area upstream of the area C culvert contained some New Zealand iceplant (*Disphyma australe*) and sea rush indicating that some limited saline intrusion is still occurring upstream of the floodgate. While only the restoration areas need to be identified at this stage, any plants proposed immediately upstream of the culverts would need to incorporate plants which are tolerant of brackish conditions. This has been identified in the ecological report.
- 2.4 Both floodgates currently block fish passage. Part of the overall enhancement needs to incorporate devices that do not block fish passage. This has been identified as part of the overall enhancement proposed. It is unclear however this will be achieved as the floodgates are not within the applicant's property.

- 2.5 A statutory assessment against the National Policy Statement for Freshwater Management 2017 (NPS:FM 2017) has been provided, this assessment needs to be updated to reflect the latest NPS:FM 2020.
- 2.6 The ecological report identifies a degraded wetland area that is to be restored. Consideration is therefore required in relation to the National Environmental Standards for Freshwater (NES:F) (regulations 38/39/55).

### 3.0 Applicant's assessment

- 3.1 I accept the current methodology proposed by the applicant. The proposal will have negligible effects on the ecology on the site, primarily related to stormwater and wastewater disposal on the aquatic environment. The proposed ecological restoration areas at the northern portion of the site, adjacent to the Wairoa river present the best ecological enhancement opportunities.

### 4.0 Assessment of ecological effects and management methods

- 4.1 The analysis provided by the applicant is appropriate for the proposed level of effect. The ecological enhancement locations are along waterbodies downstream of the proposed plan change location.
- 4.2 The existing AUP:OP framework is appropriate to address effects on the receiving environments (B7.2, B7.3, E3, E15, Appendix 15 & 16).
- 4.3 Detail has been provided in the ecological report demonstrating how the ecological enhancement can be achieved and the positive environmental benefits of this restoration. These enhancements are dependent on the following.
  - Securing approval for proposed restoration areas not owned by the applicant and identifying mechanisms to protect all restoration areas in perpetuity.
  - Upgrading of flood gate assets which are not on the applicant's property and currently block fish passage to devices which do not block fish passage.

### 5.0 Submissions

- 5.1 Mr Trevor Giles and Mrs Dianne Giles (submissions 5, and 16).
  - 5.1.1 These two submissions make comment on stream classifications, flood gates associated with restoration areas B and C and the significant ecological area overlay (SEA).
  - 5.1.2 Streams - This landscape is highly modified by both past and current land use. The streams shown both on the landscape plans and ecological report are streams, meeting either permanent or intermittent classification under the AUP:OP. It is worth noting that on GEOMAPS not all streams are identified on the stream layer, however all streams do appear when looking at the overland flow path layer. Historic aerials dating back to 1940s show the stream associated with restoration area B in a similar alignment to that of today.
  - 5.1.3 Culverts – Flood gates have been installed at the outlet of these two culverts to prevent the upstream movement of saline water during high tides. These structures can be classified as they meet the definition of culvert under the AUP:OP (*A structure with an inlet from and an outlet to a lake, river, stream or the coastal marine area, designed to enable access across a river, such as a road or stock crossing*). The current flood gates installed at the culvert outlet is a significant barrier to fish passage and should therefore be upgraded to a device which allows the movement of native fish upstream.
  - 5.1.4 SEA – This area is not subject to the terrestrial SEA overlay. This plan change does not recommend this area become a SEA nor will the area meet the requirement for becoming a SEA. This area however will need to be protected in perpetuity by a suitably appropriate mechanism (i.e. consent notice or covenant).
- 5.2 Heritage New Zealand (submission 9).



- 5.2.1 These submissions raise concerns around the proposed restoration planting in and around potential archaeological sites.
  - 5.2.2 If archaeological sites are identified within the planting locations, any restoration activity would need to be prepared in consultation with the heritage specialist to ensure the planting will not damage the archaeology of the site. This approach has been employed on many projects within the region. One approach would be to selectively choose appropriate species which have shallow roots to prevent damage to the underlying archaeology.
- 5.3 James Perry (submission 6).
- 5.3.1 This submission makes note of additional development impacting the water quality of receiving environments, in this case the Wairoa River and Hauraki Gulf.
  - 5.3.2 While I acknowledge the cumulative effects, development has on water quality, the proposed restoration areas at 278 Clevedon-Kawakawa Road will contribute to some improvement of the water quality leaving this site. The proposed development is upstream of riparian restoration areas. Any stormwater discharges, once going through onsite treatment will enter the watercourses. Riparian restoration provides a multitude of benefits to the environment, improving water quality such as absorbing nutrients, stabilising stream banks, reducing surface temperatures, providing habitat for terrestrial species (lizards, birds, bats). As this area to be restored is tidally influenced, if the flood gates are improved to accommodate fish passage then inanga spawning habitat could also be restored.

## 6.0 Conclusions and recommendations

- 6.1 The applicant has adequately addressed the private plan change effects on the environment in relation to ecological effects.
- 6.2 The private plan change is consistent with the direction and framework of the AUP:OP and RPS when it comes to ecological restoration.
- 6.3 There remain some outstanding issues around restoration proposed on land that is not owned by the applicant and how this land will be protected in perpetuity. Specific restoration actions not on the applicants land include:
  - 6.3.1 Revegetation on land not owned by the applicant.
  - 6.3.2 Protection in perpetuity of the revegetation areas.
  - 6.3.3 Upgrading culvert floodgates with fish friendly floodgates.
- 6.4 The statutory assessment needs to be updated to reflect the current NPS:FM 2020.
- 6.5 As this proposal includes restoration of wetlands, NES:F (regulations 38/39/55) will be applicable.
- 6.6 I am able to support the application provided issues identified in sections 6.3 and 6.4 above are able to be adequately addressed.
- 6.7 If the issues around work on land not owned by the applicant, identified in section 6.3 above are unable to be resolved, then the proposal would need to be amended to ensure it achieves the same or better ecological outcomes.



## Memo (technical specialist report to contribute towards Council's section 42A hearing report)

16 June 2021

To: Matthew Gouge – Senior Planner, Auckland Council

From: Iresh Jayawardena, Senior Healthy Waters Specialist, Resource Management, Healthy Waters

Zheng Qian, Senior Healthy Waters Specialist (Catchment Planning), Healthy Waters

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**Subject: Private Plan Change – PC45 – 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon – Stormwater Management and Flooding Assessment**

### 1.0 Introduction

- 1.1 I have undertaken a review of the private plan change 45 (PC45) on behalf of Auckland Council in relation to effects on stormwater management and flooding.
- 1.2 The proposed plan change seeks to rezone approximately 9 hectares of land within the subject sites (272, 274 and 278 Clevedon-Kawakawa Road) from Rural – Rural Coastal to Rural – Countryside Living zone and to extend the Clevedon Sub-Precinct C over this area. Approximately 58 Hectares of the remaining land in the subject sites will be retained within the Rural – Rural Coastal zone.
- 1.3 The PC45 will enable the development of approximately 11 Countryside Living dwellings and a shared driveway within the land to be rezoned Rural Countryside Living.
- 1.4 This Technical Assessment specifically covers potential effects arising from the proposed activities and the proposed plan change provisions addressing those potential adverse effects.
- 1.5 In writing this memo, I have reviewed the following documents:
  - Statutory Assessment Report prepared for the Clevedon – Kawakawa Road Private Plan Change request by Lands and Survey (Auckland) Ltd, dated 29/10/2019 (revision No 2). Here after referred to as the 's32 planning report'.
  - Response to Council's Clause 23 Further Information Request prepared by Lands and Survey (Auckland) Ltd, dated 24 April 2020.
  - Appendix 5 - Engineering and Infrastructure Assessment Report prepared by Lands and Survey (Auckland) Ltd, dated 19/ 07/2019 (Version 2). Hereafter referred as the infrastructure report in the memo.
  - Appendix 2 – Requested Plan Change Map for proposed rezoning prepared by Lands and Survey, dated 02/10/2019 (Revision B)
  - Appendix 12 – Ecological Effects and Restoration Opportunities, prepared by 4Sight Consulting Ltd, dated 07 October 2019 (Version 2.0)
- 1.6 Submissions received in relation to stormwater matters have also been reviewed and assessed. A site visit was undertaken on 23 February 2021.

### 2.0 Key stormwater Issues

- 2.1 The key stormwater management and flooding issues are summarised below, and these are further discussed in Section 4.

#### ***Flooding and flood plain***

- 2.2 The majority of the land within PC45 (approximately 58 hectares) is subject to flooding from the Wairoa River and located downstream of the catchment (refer to Figure 1). The land is also subject to the Coastal Inundation 1 per cent AEP plus 1m – 1m Sea Level Rise Controls under Auckland Unitary Plan (AUP). The part of the land to be rezoned as Rural – Rural Countryside Living Zone, Clevedon Sub Precinct C under AUP, is mostly located above the 1% AEP flood plain (Figure 1).



Figure 1: Extent of the 1% AEP flood plain in the surrounding area (Red area indicates the land outside 1% AEP floodplain)

2.3 It is considered that PC45 development will not change the extent and velocity of floodwater within the 1% AEP floodplain. The proposed building sites, wastewater disposal fields and the main access road will be located within the land above the 100-year ARI flood plain (refer to Figure 2). Given the scale of development proposed in PC45, it will not exacerbate the peak floodwater from the large upstream catchment. However, some portion of the proposed future lots will still be affected by the flood plain. The northern eight future lots proposed will be surrounded by floodwater, creating an island feature on the PC 45 land in a 100-year storm event.

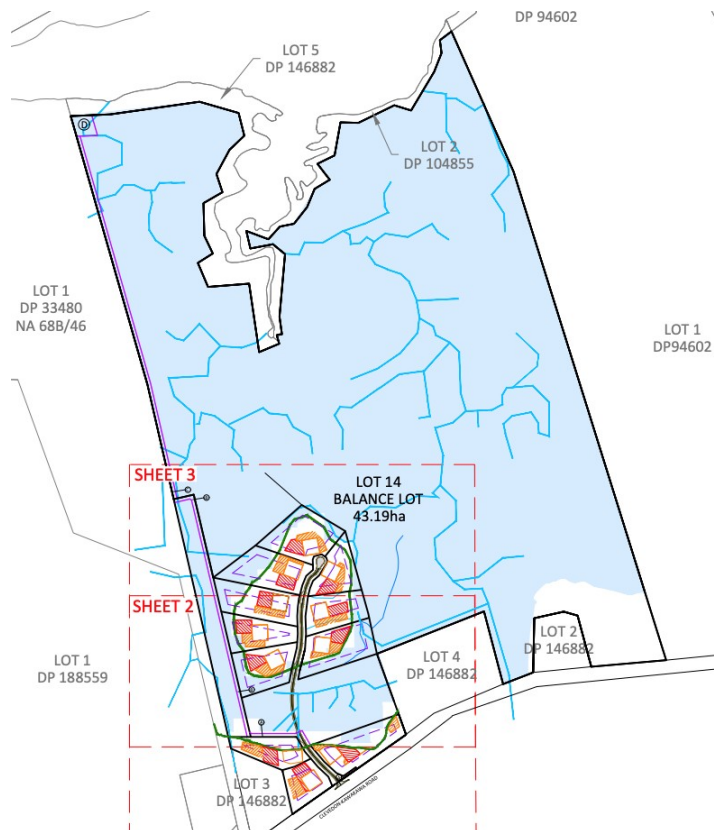


Figure 2: Proposed building sites in the subdivision scheme plan

### ***Hydrology mitigation***

- 2.4 The proposal is a greenfield development. Thus, as per Policy B7.3.2 (4)(c) of the AUP Regional Policy Statement, PC45 should adopt hydrology mitigation through retention and detention to manage or maintain the hydrology in the stream and protect against downstream erosion and any habitat loss of the receiving environment.
- 2.5 Ms Qian has advised that the streams within the site have a flood gate at the outfall which are maintained by the landowner of the site. It should be noted that these flood gates are built to protect seawater intrusion (design return period unknown) and do not provide protection from flooding as a result of 1% AEP storm events.
- 2.6 PC45 proposes to provide rainwater tanks as methods for stormwater detention. These rainwater tanks can help reduce potential stream erosion. Several farm drains/streams are present within site, and most of them are in poor condition. The management of stormwater-related erosion within the stream receiving environment of the proposed precinct area is therefore a key issue of concern.
- 2.7 Future runoff from increased impervious surfaces has the potential to cause stream bank erosion of these farm drains/streams. A critical issue for stream health is the extent to which stormwater flows are managed 'at source', that is, on-site rather than downstream. Future development will need to implement SMAF 1 similar hydrology mitigation within the proposed extension of sub precinct C to avoid adverse effects on the receiving environment. This can be addressed at the time of resource consent.

### ***Overland flow paths***

- 2.8 The applicant has provided overland flow path (OLFP) information using the Council's Geomaps overland flow path layer. From the site visit, it is clear that a few farm drains and streams are present within the site which were not shown in the plan change application. Since the receiving water bodies (i.e. the farm drains and streams present within PC45 site) have not been correctly mapped, associated impacts have not been identified such as stream bank erosion.
- 2.9 It is proposed that OLFP conveyance within the precinct will be achieved within the proposed driveways and existing streams or farm drains. These flow paths/farm drains/streams need to be clearly mapped for both the pre- and post-development plans and consents will be required under the relevant AUP provisions for any reclamation and/or diversion of entry or exit points.
- 2.10 It is assumed that any relevant associated design requirements for aspects such as piping of overland flow paths or minimum freeboard requirements outlined within Auckland Council's Stormwater Code of Practice will be complied with. Therefore, any adverse environmental effects on OLFPs can be assessed in detail at the resource consent stage.

### ***Stormwater management***

- 2.11 It is noted that PC45 documents, and in particular the Infrastructure Report, states the use of rainwater tanks on each of the lots to provide peak attenuation volume for the 2 year and 10-year storm events. Ms Qian has advised that it will be difficult to control the attenuation function of the rain tanks if the tanks are to be used for drinking water supply as well, as water in the tanks will not be drained completely after storm events to make storage volume available for the next event.
- 2.12 Despite this, since the site is at the most downstream extent of a large catchment, flood attenuation is considered not necessary to avoid coincidence with large peak flow from the upstream catchment. Rainwater tanks are acceptable method for stormwater detention and therefore meet the requirement for hydrology mitigation. The rainwater tanks must be designed to meet the requirements of Auckland Council Guidance documents (GD01/2017).
- 2.13 Ms Qian has advised that any additional stormwater runoff flows from the proposed development area need to be assessed, and any adverse environmental effects from the proposed development need to be mitigated on-site to avoid any anticipated environmental effects, such as soil erosion and contamination.
- 2.14 The future development of PC45 is required to obtain a stormwater discharge and diversion

consent to manage stormwater discharges from proposed building sites. It is considered that the applicant does not have to provide detailed information at the time of a plan change, and this issue can be addressed at the detailed design and subdivision stage. The AUP Chapter E8 provides provisions for future resource consent applications and this issue can be appropriately assessed at the time of resource consent.

### 3.0 Applicant's assessment

- 3.1 Paragraphs 131 to 140 of the s32 planning report and the Infrastructure Report provides the wider site description, including information regarding the extent of the 1% AEP flooding constraints and stormwater management associated with the proposed rezoning of the land to provide for Countryside Living. The Infrastructure report also identified the plan change site as subject to the Coastal Inundation 1 per cent AEP plus 1m – 1m Sea Level Rise Controls under AUP.
- 3.2 Paragraphs 137 - 140 of the s32 planning report and the Infrastructure Report concludes that overall, the site is suitable for the proposed rezoning (including the extension of Clevedon sub-precinct C) outside of the 1 per cent AEP flooding, coastal inundation areas and flood-prone areas.
- 3.3 The reasons include:
- The site subject to rezoning and to include in the Clevedon sub-precinct C is in general located outside 1% AEP flood plain and coastal inundation areas;
  - Any future building platforms, stormwater and wastewater infrastructure will be located above the 1% AEP flood levels and clear from any identified overland flow paths;
  - Any finished floor levels of future habitable buildings to be set at a minimum Reduced Level (RL) 4.9 meters to provide a freeboard of 500mm above the flood level of 1% AEP storm event with climate change.
  - Access to and egress from the site will be provided via a private shared driveway on the 1% AEP with climate change flood plain. The driveway will be designed to provide a minimum freeboard of 200mm above the 1% AEP flood level;
  - The driveway gradient will be maintained with a maximum batter slope of 1 in 3 (33% gradient) to comply with the AUP requirements. At the locations where the major overland flow path crosses the driveway, it is proposed to provide 2 x 675mm diameter culverts with headwall and riprap erosion protection;
  - The balance of the site located within the 1% AEP flood plain will be retained within the existing Rural – Rural Coastal Zone.
- 3.4 Given that PC45 utilises the raised land area outside of the 1% AEP flood plain to enable the 11 countryside living developments, the s32 planning report and the infrastructure report state the proposal could be achieved on-site from a technical engineering perspective.
- 3.5 Paragraph 209 of the s32 planning report discusses the proposed outcomes sought by PC45 against Chapter B10.2 objectives and policies of the Regional Policy Statement. The assessment indicates:
- *The natural hazard flood risks and coastal inundation risks have been assessed on the basis of a 100-year timeframe.*
  - *The plan change request provides for the location of all building platforms outside of the identified floodplain and / or coastal inundation flood area.*
  - *The proposal does not include any earthworks, changes to natural and built drainage systems or vegetation clearance that will increase the identified flooding and coastal inundation hazards.*
  - *Proposal provides for reduction of natural hazard risks by protecting and restoring vegetation and locating of dwellings outside of the identified floodplains.*
  - *Proposal provides for the strengthening of vegetation and riparian margins and long-term protection of the floodplain.*
  - *Proposal does not increase the risk of adverse effects from natural hazards.*
- 3.6 It is noted from the plan change application documents that the rezoning approach has been considered generally for the extent of land area located outside of the 1% AEP floodplain. It is

acknowledged that PC45 provides the opportunity for all future countryside residential dwellings and servicing infrastructure to be located outside of the flood plain.

- 3.7 While this is accurate, it is important to note that the area requested to be rezoned is located at the most downstream point of a large upstream catchment. The PC45 future development is vulnerable and will expose to significant risks associated with two natural hazard events, the 1% AEP flooding of the Wairoa River and 1% AEP flooding from coastal inundation. Such inundation as a result of natural hazard events will create an island feature around the proposed residential lots. Chapter J1 of the AUP identifies residential dwellings as more vulnerable activities.

#### **4.0 Discussion of stormwater and flooding effects and management methods**

##### *Proposed development and likely effects on the receiving environment*

- 4.1 The plan change site adjoins the Wairoa River to the site's northern boundary, including an unnamed tributary from the river, forming a natural wetland area. The applicant used the 4.4m RL as the 1% AEP peak flood level for the site which is from the Council's flood hazard modelling for the Wairoa River catchment. The proposed future buildings finished floor level (FFL) has been set at a minimum RL 4.9m. Although the future Rural Countryside Living lots are to be sited within the land outside the significant flood plain, due to the low-lying nature, future dwellings on this location present a higher degree of risk to both flooding from any extreme weather events and the risk of coastal inundation.
- 4.2 A 3m wide shared accessway proposed in the plan change is located within the low-lying area of the 1% AEP flood plain. The site's main access road level is above the 100-year peak flood level, meaning the accessway is proposed to be raised above the flood plain.
- 4.3 The applicant has proposed flood mitigation through the use of stormwater rain tanks for attenuation of roof water runoff for the 2 year and 10-year ARI. It will be challenging to control the attenuation function from using rain tanks if the tanks are used for drinking water supply. This is because the water in the tanks will not be entirely drained after storm events to make storage volume available for the next event. Given the site is at the most downstream part of a large catchment, Ms Qian has advised that flood attenuation is considered unnecessary to avoid coincidence with large peak flow from the upstream catchment. Therefore, the requirement for on-site flow attenuation (detention) for the 2 years and 10-year ARI using rain tanks is not required. Instead, rainwater tanks can be used for on-site stormwater flow attenuation for water re-use.
- 4.4 No stormwater treatment methods have been proposed in PC45 from future individual lots. Chapter B7 – Freshwater systems of the RPS requires the quality of freshwater is maintained where it is excellent or good and progressively improved over time where it is degraded; and the adverse effects of changes in land use on freshwater are avoided, remedied or mitigated (B7.3.1 (1) (2) (3)). The RPS also contains Policies in Chapter B7.3.2 to ensure land use changes consider integrated management of freshwater systems. Accordingly, PC45 is required to protect and enhance stream health while improving the freshwater systems in accordance with the objectives and policies in B7.3.1 and B7.3.2.
- 4.5 The Wairoa river runs primarily through farmland and is of rural nature. Auckland Council's State of the Environment (SOE) monitoring indicates the Wairoa River's health is from average to good. The report also recognises the Wairoa River as the Auckland region's most improved river in 2017 and the third most improved in New Zealand<sup>1</sup>.
- 4.6 The adverse impacts on water quality from proposed development must be avoided where possible or otherwise remedied or mitigated to give effect to RPS (B7.3.1 (3) and B7.3.2 (1) (6)). Chapter E1-Water quality and integrated management of the AUP requires that discharges, subdivision, use, and development are managed to maintain or enhance water quality.
- 4.7 The applicant indicates that stormwater quality treatment methods can be demonstrated in detail at the subdivisions and development stage. I agree that a detailed assessment of stormwater quality treatment methods can be demonstrated at the time of subdivision. Chapter E39 Subdivision – Rural of the AUP contains policies (E39.3.30 (a) and E39.3.31) that require

<sup>1</sup> Auckland Council's Research and Evaluation Unit, State of the Environment Report Card, Wairoa Reporting Area 2018

subdivision to manage stormwater to protect natural streams and improve water quality. RPS Policy B7.4.2(9) requires subdivision and development to manage stormwater by adopting the best practicable options in areas where stormwater is serviced outside of a public stormwater network. Detailed management methods can be demonstrated at the resource consent stage.

4.8 There are several farm drains/streams on the site, and most of them are considered in poor condition. PC45 should facilitate restoration and enhancement of the farm drains/stream and integrate these with the proposed stormwater management to improve the stream environment's overall quality. Any subdivision and development of the site will require future resource consents under the AUP rules in Chapter E8 - Stormwater Discharge and Diversion. I408 Clevedon Precinct also contains the following Policy I408.3(8) and I408.9 (10) Special information requirements to consider at the resource consent stage:

- Policy I408.3 (8) requires stormwater runoff to be managed in a way that avoids, remedy or mitigates adverse effects on adjacent sites or sites upstream or downstream of the catchment.
- Special information requirements under I408.9 (10) requires:

*(10) Detail on how development will avoid or mitigate adverse effects arising from the flood plain /overland flow path identified within the sub-precinct, as part of an integrated Stormwater Management Plan.*

4.9 Having identified provisions within Chapter E8, Chapter E36 and I408 Clevedon Precinct in AUP, from a technical engineering perspective PC45 will deliver the outcomes anticipated by the proposal at the time of subdivision.

4.10 Despite this, in my view, natural hazards pose a risk to people, property and infrastructure and the environment. Taking into consideration any likely adverse effects in the future, residential development should be directed away from areas prone to flooding. It is also important to consider the appropriateness of enabling residential development on land that presents a risk of damage to property or community due to the impacts of natural hazards.

#### *Relevant statutory considerations on assessing the effects on the environment*

4.11 In developing the plan change, section 75 of the RMA outlines what the content for district plan must and may comprise:

- (3) A district plan must give effect to –*
  - (a) any national policy statement; and*
  - (b) any New Zealand coastal policy statement; and*
  - (c) any regional policy statement*
- (4) A district plan must not be inconsistent with –*
  - (a) a water conservation order; or*
  - (b) a regional plan for any matter specified in section 30(1)*

4.12 Under Clause 75(3)(b)(c) and Clause 75(4)(b), this section discusses key statutory considerations relating to the matters of this technical assessment. It comments on how PC45 gives effect to National Policy Statements (NPS), Regional Policy Statements (RPS) and its consistency with the AUP.

4.13 The Resource Management Act (RMA) 1991, The National Policy Statement of Freshwater (NPSFM) and AUP contain provisions and methods to achieve integrated management of the region's natural and physical resources – specifically water. These policies are to be considered in conjunction with the provisions made in PC45 to identify how the proposal achieves the purpose and principles of the RMA 1991 and gives effect to the NPS and the RPS.

4.14 Chapter B10 - Environmental risk of the RPS includes a range of objectives (B10.2.1 (1) – (5)) and policies (B10.2.2 (1) – (5)) that seek to avoid subdivision use and development, including infrastructure within areas already more susceptible to climate change and natural hazards. In particular, Chapter B10.2 Natural hazards and climate change of the RPS includes the following objective:



Objectives B10.2.1;

- (1) Communities are more resilient to natural hazards and the effects of climate change.*
- (2) The risks to people, property, infrastructure, and the environment from natural hazards are not increased in existing developed areas.*
- (3) New subdivision, use and development avoid the creation of new risks to people, property and infrastructure.*
- (4) The effects of climate change on natural hazards, including effects on sea level rise and on the frequency and severity of storm events, is recognised and provided for.*
- (5) The function of natural systems, including floodplains, are protected from inappropriate subdivision, use and development.*
- (6) The conveyance function of overland flow paths is maintained*

4.15 I consider that PC45 achieves RPS B10.2 Objectives (2) and (6) above. However, I am concerned about RPS B10.2 Objectives (1), (3), (4) and (5) and whether PC45 gives effect to those objectives. I acknowledge that PC45 proposes to limit development within the site to areas outside the flood plain and takes a conservative approach to assessing the effects of the 1% AEP flood plain with climate change on the proposed development. However, it is considered that PC45 does not contain sufficient information for assessing effects and estimating future flood risks, the likelihood of the risk of damaging properties, individuals and communities if flood events do become more frequent.

4.16 Policies B10.2.2 (1) (2) (3) (4) (5) (7) and (8) of the RPS also relate to natural hazards and seek to ensure that subdivision and development does not contribute to or is affected by natural hazards such as flooding. In my view, a land use change is required to achieve these policies and ensure that people and communities' health and safety and the property's resilience to damage are not compromised.

4.17 Furthermore, RPS Policy B10.2.2 (6) states the need to adopt a more precautionary approach to natural hazard risks where there is uncertainty.

*(6) Adopt a precautionary approach to natural hazard risk assessment and management in circumstances where:*

*(a) the effects of natural hazards and the extent to which climate change will exacerbate such effects are uncertain but may be significant, including the possibility of low-probability but high potential impact events; or*

*(b) the level of information on the probability and/or impacts of the hazard is limited.*

As discussed in section 3 of this memo, PC45 development does not exacerbate flooding. However, the land is subject to natural hazards from both 1% AEP floodplain and coastal inundation with climate change. Any adverse effects of natural hazards and the extent to which climate change will exacerbate such effects are uncertain but could be significant.

4.18 The present day 1% Annual Exceedance Probability (AEP) Wairoa River flood level is predicted to be approximately 4.4 m Reduced Level (RL) according to the Wairoa catchment modelling undertaken in 2014. The 1% AEP is equivalent to a 1 in 100-year Average Recurrence Interval, meaning it has a likelihood of occurring at least once every 100 years or a 1% chance of occurring in any given year.

4.19 While the modelling assessment has included predicted rainfall intensity increase due to climate change using a temperature increase of 2.1 degrees by 2090<sup>2</sup>. It should be noted that rainfall to be used in stormwater flood assessment in Auckland region is currently under review using the latest MfE guidance on climate change, thus there are uncertainties associated with rainfall intensity increase and change of rainfall pattern resulting from climate change, leaving uncertainty over the extent and level of flood plain in extreme storm events.

4.20 When assessing the 1% AEP Wairoa River flood levels, a constant downstream tidal level of

<sup>2</sup> Ministry for the Environments (MfE) guidance in 2008 "Climate Change Effects and Impact Assessment: A Guidance Manual for Local Government in New Zealand

1.89mRL was used in the study. 1.89mRL is based on 1.39mRL the old Mean High-Water Spring (MHWS) of the Wairoa River plus half meter of sea level rise.

The present day MHWS of the Wairoa River is around 1.63m RL<sup>3</sup>. As discussed by Ms. Carpenter in her evidence, current sea-level rise projections for New Zealand promotes total sea level rise figures of 1.36m to 2120 and 1.52m to 2130. As the site is subject to coastal inundation, with predicted sea level rise due to climate change, there is potential that the 1% AEP Wairoa River flood level could increase as a result of tail water level increase and that the current 1% AEP flood level could occur more frequent than 1% chance in any given year.

4.21 As no site-specific assessment of the potential impacts of multiple hazards has been undertaken leaving uncertainty over the extent of flood plain and extreme water levels under extreme storm events and sea levels. Climate change and natural hazard effects are important cases where a precautionary approach is relevant. I acknowledge that those potential effects cannot be fully assessed due to inadequate information available and/or uncertainty of the impacts at this stage.

4.22 RPS Chapter B9.4 - Rural Subdivision includes Objectives (B9.4.1 (3)) that states '*subdivision of rural land is to avoid, remedies or mitigates adverse effects on the character... and provide resilience to effects of natural hazards*'. Land use intensification in rural areas, particularly countryside living should only be undertaken if appropriate to do in the proposed land. In my view, current intensification as proposed in PC45 development on land that is covered by 1% AEP flood plain is not appropriate as this increases the risk to people and property from flooding, and this direction of development is inconsistent with the policy direction of the RPS.

4.23 Given that the climate is changing, PC45 should consider potential hazards and the unpredictability of uncertain climate change effects and not encourage subdivision, use, and development within land subject to such adverse impacts. Chapters B9.4 and B10.2 of the RPS also emphasise the need for managing land use in response to climate change effects while determining the risk and resilience of the environment and its communities.

4.24 Flooding becomes a hazard when people, property and development are located within a flood plain, flood-prone areas, overland flow paths, and areas susceptible to flooding. In my view, PC45 has underestimated the risk from flood events to its future communities by proposing to introduce an intensive residential development on land that, in a flood event could become an island of land within 1% AEP floodplain. Therefore, in my view, PC45 does not give effect to higher-order policies.

4.25 PC45 allows subdivision, use and development of land for more vulnerable activities in an area subject to significant overland flow paths, flood hazard and coastal inundation. AUP Chapter J1 Definitions specifically identifies dwellings as a more vulnerable land use activity. Chapter E36 Natural hazards and flooding of the AUP contains objectives, policies and rules which relate to development within land that is subject to natural hazards and flooding.

4.26 Although most of the area proposed to be rezoned is located outside of the flood plain, including the shared accessway, I do not consider PC45 to give effect to the RPS because of the reasons outlined above. Therefore, in my view, rezoning land to Rural - Countryside Living Zone would not achieve the sustainable management of natural and physical resources.

## 5.0 Submissions

5.1 Several submissions received on plan change 45 have raised concerns about the proposed built intensity of this area as well as the increased risk to properties and communities that development in the flood plain might create.

5.2 I have reviewed the submissions received on PC45. Of the total 20 submissions, nine submissions raised concerns relating to stormwater issues, flooding of the Wairoa River, discharge of contaminants to the Wairoa River, and increased runoff from the proposed development therefore increasing the risk of flooding in the surrounding area. The relief sought by these submitters is generally that the proposed plan changed be declined.

5.3 Table 1 below summarises the key submission points that relate to stormwater and flooding

<sup>3</sup> Report of Determining the Coastal Marine Area Boundary for Auckland prepared by NIWA 2012

raised by the submitters relevant to any potential and/ or actual effects with respect to PC45.

<b>Submitter name</b>	<b>Submission number</b>	<b>Summary of key submission points relating to stormwater/flooding</b>	<b>Relief sought</b>
Carol and Paul Gibbard/ Nicky Hunt/	2 03	Consider effects on the flood plain in regards to the proposal. The development could exacerbate existing flooding into surrounding properties. Proposes to Retain the Rural – Coastal Zoning	Amend the plan change/ Decline the plan change
Bernise & Geoffrey Milliken	07 and 11		
Johnathon Martin	8	The proposed plan change site is subject to flooding, so that the submitters are concerned that any waste and/ or stormwater runoff from the proposed development would just traverse to Mr Martin's site/paddocks	Decline
Mr Trevor Giles and Mrs Dianne Giles	16	<p>PC45 development will exacerbate flooding risk by discharging runoff into the 1% AEP flood plain</p> <p>Site is located within the existing flood plain, additional impervious area and impacts from extreme weather events means the surrounding area could be affected by flooding and increased risk to properties and communities</p> <p>Caverned around the work within Overland flow paths</p> <p>PC45 indicates inaccurate streams identified on drawing 9012/1</p> <p>PC45 suggested enhancement and restoration areas. Culverts and their actual purpose were not identified.</p>	Decline
Clevedon Cares Incorporated	19	PC45 will increase potential adverse effects from stormwater runoff on land, which are already flooding, possible detrimental effects on the Waiora river	Decline
Caroline Grieg	21	Runoff from increased roading and driveways could cause contaminants discharges to the Waiora river	Decline
Christine Mayo	24	Putting more houses near the river and within the floodplain create adverse effects on the communities and the environment	Decline

### Comments on submissions

- 5.4 Several submitters stated that land north of the proposed plan change suffers flooding almost once a year. The land proposed to undergo the plan change is a small piece of higher ground in the floodplain.
- 5.5 Submission numbers 2, 03, 07, 11, 8 are concerned that PC45 is subject to flooding and the proposed development will exacerbate flooding further into the submitters and surrounding properties. As outlined earlier, development enabled by PC45 will not increase or exacerbate flooding further into the surrounding properties. That AUP includes provisions in Chapter E8, Chapter E36 and Chapter E39 to avoid impacts relating to stormwater management on the surrounding environment at the time of development.
- 5.6 Mr and Mrs Giles (submission 16) have correctly pointed out that the streams identified on Drawing 9012/1 are not streams as per the AUP. The blue lines on Drawing 9012/1 are the overland flow paths sourced from Council's GeoMaps. The receiving water bodies within the site, including farm drains and streams, are not correctly mapped in the application lodged.
- 5.7 The infrastructure report identifies that development enabled by PC45 will not exacerbate the flooding risk to the surrounding area in a 100-year event. Ms Qian advised that the scale of the enabled development will not affect peak flood water that comes from the large upstream catchment. Ms Qian's assessment states that the applicant has not proposed sufficient stormwater infrastructure to service the proposed lots except for rainwater tanks. This is technically feasible and can be addressed in detail at the development stage.
- 5.8 According to Ms Qian, the Council have modelled extreme events with predicted future climate change rainfall for the Wairoa River catchment. The model results show flooding for the road section on the polo ground area is significant (see Figure 3). The recent flooding event in 2017 shows the severity of flood damage around Clevedon-Kawakawa Road and the surrounding area. It was reported from submitters that helicopter assistance was required to evacuate people trapped in flooded houses.



Figure 3: A view the 1% AEP floodplain around Polo ground area and the PC45 site

- 5.9 As previously identified in Section 4.0 of this memo, a key issue is uncertainty of changing climate to determine the impacts of any natural hazards on this site. As a result, in particular flooding risks that can pose to the proposed sites, properties and community. Submission numbers 16, 19 and 24 also raised the similar concerns that outcome of PC45 could create adverse effects on people and properties as the development will be located in 1% AEP flood plain. Uncertainty of the impacts at this stage means, it is impossible to determine that

there would be no adverse effects on flooding. I, therefore, support the relief sought by submitters to decline PC45.

## **6.0 Conclusions and recommendations**

- 6.1 Natural hazards pose a risk to people, property, infrastructure and the environment; in particular, flood damage has a significant impact. Often these risks are exacerbated by the inappropriate subdivision and location of buildings and infrastructure in floodplains and flood-prone areas. Determining whether changing the land use would lead to establishing more vulnerable activities (dwellings) within an area of land subject to significant flooding hazards and coastal inundation is an integral part of implementing this plan change.
- 6.2 The supporting information for the plan change request has assessed the peak flood level of the 100-year ARI storm event and set up the proposed building finished floor level and main access road to be above the 100-year flood level. However, in extreme storm events, the proposed future residential dwellings will be surrounded by floodwater like a small island. The applicant has not sufficiently assessed the effects of the proposed development on the environment in terms of stormwater quality treatment, contaminants discharge, stream and soil erosion although these can be addressed at the time of subdivision consent and development.
- 6.3 Regarding nuisance flooding and flooding risk, I agree that PC45 will not further exacerbate flooding on the 1% AEP flood plain. From a technical engineering perspective, I consider the scale of the development and the site's location at the bottom of a large catchment. PC45 will not further exacerbate flooding effects on the surrounding 1% AEP flood plain. It is proposed that future habitable building platforms, including the shared driveway, could be designed on the 1% AEP flood plain with climate change to provide the minimum freeboard requirements. However, the AUP does identify residential dwellings as land use activities vulnerable to natural hazards and there are likely impacts on livelihood as the floodplain can inundate.
- 6.4 As discussed in previous sections, the surrounding environment of PC45 being 1% AEP flood plain, and the Coastal inundation 1 per cent AEP plus 1m Control – 1m sea-level rise, the downstream catchment is known to have exacerbated the natural hazard flooding effects on the subject site and within the neighbouring properties. Continuing to allow more dwellings to what is provided for in the Rural Countryside Living zone in areas subject to natural hazards will compromise the safety of future communities and properties. Therefore, I do not think PC45 is consistent with the AUP policy direction, particularly Chapter E36.
- 6.5 As development occurs upstream it could eventually exacerbate flooding on the PC45 site. Therefore, it is better to avoid natural hazard sites entirely. Therefore, it is recognised that restricting future subdivision, use, and development within areas subject to natural hazards would avoid both risks to properties and communities.
- 6.6 From a higher-order policy direction, particularly RPS B10.2 Objectives and Policies and RPS Policies B9.4.1 (3), I do not consider that development as proposed in PC45 is the appropriate way to give effect to the RPS. As discussed, PC45 does not contain a flood risk assessment that sufficiently assesses likely impact on the environment and people in the future. There remains to be knowledge gaps in relation to climate change and natural hazard and a relative lack of information about the actual and potential effects on PC45 land in the future. Given drivers and impacts of climate change and natural hazard are uncertain and complex; these results could create a high degree of uncertainty about the likely effects on the environment and damage to people and the properties.
- 6.7 It is acknowledged that RPS Policy B10.2.2 (6) particularly directs a precautionary approach to decision making where the use and management of land use are potentially vulnerable to effects of climate change and natural hazard. As per this policy reference, there is reason to believe that any adverse effects that may arise from a proposed activity and those potential effects cannot be fully assessed due to inadequate information or uncertainty around understanding these effects on the property, community, infrastructure, and the environment. I am of the view that PC45 does not contain sufficient information to recognise these effects as there are some uncertainties around the likelihood of impacts from these natural hazards and climate change.
- 6.8 Therefore, from the stormwater and flooding hazard perspectives, the outcomes sought as proposed in PC45 are considered to not give effect to the direction and framework of the RPS B10.2 and RPS B9.4; and achieving the purpose of section 6 (h) matters of national importance of the RMA 1991.



Auckland Council  
cosette.saville@aucklandcouncil.govt.nz

24 March 2021

Our Ref: 190542-A

Attention: Ms Cosette Saville

Dear Ms Saville

## GEOTECHNICAL ASSESSMENT PROPOSED PRIVATE PLAN CHANGE 45 FOR 272, 274, AND 278 CLEVEDON-KAWAKAWA ROAD, CLEVEDON

### 1.0 Introduction

Riley Consultants Ltd (RILEY) has been engaged by Auckland Council (Council) to review the geotechnical aspects of the proposed Private Plan Change 45 (PPC45) for the site at the above address and provide technical advice to assist them to prepare their Section 42A report.

### 2.0 Review

In preparing this geotechnical assessment, we have reviewed the following report:

- Geotechnical Investigation Report, prepared by KGA Geotechnical Group Ltd (KGA), for Proposed New Subdivision, 278 Clevedon-Kawakawa Road, Clevedon, reference K190051-1a, dated 7 October 2019.

Following review of the above Geotechnical Report, we raised the following queries:

- G1 The area of the site potentially affected by the calculated lateral spread is significant. Please provide further information on the method of assessment used for lateral spread, comment on the calculated lateral spread in relation the height of the free-face, whether or not the calculated lateral spread is expected and why, provide lateral spread contours and also outline how this hazard is intended to be mitigated; and
- G2 Please reconsider the assessed seismic site subsoil category. By inspection of the CPT records, we have noted that there are materials with  $C_u < 12.5\text{kPa}$  and SPT N < 6 present within the tested profile.

The initial response from KGA to the above queries is presented in their correspondence (reference K190051-2, dated 8 April 2020).

The response to Item G1 was not accepted. KGA indicated they considered lateral spread magnitudes (350mm to 500mm) presented in their initial assessment were conservative due to an idiosyncrasy in the analysis software. They also considered the lateral spread would be less than their initial estimates due to the presence of surficial layers of non-liquefiable material and their investigation findings that the liquefiable layers were not continuous. This response was not considered appropriate on the basis that lateral spread can occur over a depth equivalent to two times the height of the slope face where there are horizons within this depth that have liquefaction potential. Lateral spread potential is not negated by the presence of a non-liquefiable surface raft layer and we did not consider that layer discontinuity will negate the lateral spread potential.

After review of the information provided in response to G2, we consider that KGA have addressed the query and demonstrated that their assessment of the site seismic subsoil site class (C – Shallow soil) is appropriate based on their CPT tests carried out to-date.

We received a further response from KGA via email (dated 17 June 2020) regarding query G1, including further technical information supporting their position regarding lateral spread being less than the initial estimates due to the presence of surficial non-liquefiable horizons and the discontinuous nature of the liquefiable soils, distance from the free-face and gently sloping nature of the site, see attached.

In their further response, KGA discussed the gently sloping nature of the ground that is proposed to be developed and indicated that the nearest free-face (stream channel) was approximately 250m distant. KGA identified with reference to Ministry of Business, Innovation and Employment (MBIE) Guidance Document, Repairing and Rebuilding houses affected by the Canterbury Earthquakes, Part C, that the maximum horizontal distance from the free-face for minor-to-moderate lateral spreading induced damage was approximately 200m for the Christchurch earthquakes.

They also cited a technical paper titled, 'Soil Liquefaction During Earthquakes' (Idriss & Boulanger, 2008), which stated that "subsurface heterogeneity in soils has a strong influence on the magnitude and distribution of liquefaction-induced ground deformation". This indicates that, where a site is underlain by scattered, discontinuous, pockets of liquefiable soil, it would be more resistant to lateral spreading because the pockets are restrained by the surrounding non-liquefiable soils. The paper also indicates that where liquefiable layers are bounded by non-liquefiable layers (rather than an open face), the magnitude of transient and permanent ground displacements caused by liquefaction would be smaller than where they were adjacent to an open face. The KGA investigation findings are consistent with the liquefiable horizons being discontinuous, and hence, we consider their assessment is appropriate.

KGA also commented, that based on the distance to the stream channel and the effects of the discontinuous nature of the liquefiable horizons, they considered the site to be in the minor-to-moderate risk category with respect to lateral spread, essentially consistent with TC2 type deformations for an Ultimate Limit State (ULS) seismic event. They also provided preliminary recommendations on foundation design for these conditions.

The liquefaction analysis has been done by KGA (presented in their Geotechnical Report) on an individual CPT basis and does not consider the discontinuous nature of the liquefiable horizons. They have also not accounted for the significant separation from the stream bank. Consequently, we agree that the lateral spread risk is likely to be lower than initially stated and likely aligned with TC2 category conditions, which require specific foundation design considerations. Accordingly, we consider that KGA have presented a technically sound response to query G1 and that foundation options are available to mitigate the assessed ULS lateral spread.

### **3.0 Assessment**

From our review of the Geotechnical Report provided and the subsequent responses to the queries raised, we consider that the geotechnical investigations carried out to-date and recommendations presented by KGA in relation to the PPC45 proposal are appropriate for the site.



We consider that the queries raised regarding the seismic site subsoil category, and effects of lateral spread have been suitably addressed. The information provided indicates that the lateral spread is likely to be consistent with the TC2 category in terms of the MBIE Guidelines. TC2 land does not specifically require ground improvement for it to be suitable for residential development.

Further, as discussed in the KGA Geotechnical Report, the calculated liquefaction settlements for a ULS earthquake event are also consistent with TC2 conditions. Accordingly, we consider that the adoption of TC2 type foundations for future dwellings would be reasonable. There are proven foundation solutions available to accommodate the TC2 type liquefaction and lateral spread. We recommend that further investigation and analysis is carried out at resource consent stage, specifically to confirm the KGA recommendations.

## 4.0 Submissions

A total of 25 submissions have been received and reviewed. From our review of the submissions from the above parties none of them have raised any geotechnical issues or queries.

## 5.0 Recommendation

We consider that the geotechnical investigations, and reporting carried out by KGA in support of PPC45, combined with their responses to our queries have demonstrated that the site can accommodate the proposal from a geotechnical perspective and that there are geotechnical solutions available for building foundation design, specifically to accommodate TC2 level liquefaction settlement and lateral spread under ULS earthquake conditions.

Further geotechnical input will be required to support future resource and building consent applications to Council. This input will need to include specific geotechnical investigations, analyses and reporting to facilitate detailed building foundation design and to ensure that all relevant geotechnical issues are appropriately addressed in relation to future specific building proposals. These would need to specifically include confirmation of KGA's recommendations with respect to the TC2 foundation design.

## 6.0 Limitation

This report has been prepared solely for the benefit of Auckland Council as our client with respect to the brief. The reliance by other parties on the information or opinions contained in the report shall, without our prior review and agreement in writing, be at such parties' sole risk.

Yours faithfully

**RILEY CONSULTANTS LTD**

Prepared by:



James Beaumont  
**Senior Geotechnical Engineer**

Reviewed and approved for issue by:



Scott Vaughan  
**Project Director, CPEng**

Enc: KGA Email Response (dated 17 June 2020)

**From:** [Sanjay Bangs](#)  
**To:** [James Beaumont](#)  
**Subject:** Fw: Clevedon-Kawakawa Road Private Plan Change Request - Further Information Request  
**Date:** Sunday, 21 June 2020 9:07:38 PM  
**Attachments:** [image003.jpg](#)  
[image004.png](#)  
[image005.png](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[image008.png](#)  
[image009.jpg](#)  
[image010.jpg](#)  
[image011.jpg](#)  
[PPC Clevedon Kawakawa - CI 23 RFI.pdf](#)

---

Hi James,

Hope you are keeping well.

As below, the applicant and KGA have come back with further comments on the lateral spread RFI.

If you could confirm whether the RFI can now be closed off that would be much appreciated. CI 23 request attached for reference.

Cheers  
Sanjay

---

**From:** Sanjay Bangs  
**Sent:** Sunday, 21 June 2020 9:02 PM  
**To:** Tim Grace  
**Cc:** Gordon Fountain  
**Subject:** Re: Clevedon-Kawakawa Road Private Plan Change Request - Further Information Request  
Hi Tim,

Good to hear from you. I'll pass this on to James from Rileys to check whether this can now be closed off.

With respect to the DWG file I'll double check with our GIS team to ensure this format works for the AUP viewer.

Thanks,  
Sanjay

---

**From:** Tim Grace  
**Sent:** Friday, 19 June 2020 10:56 AM  
**To:** Sanjay Bangs  
**Cc:** Gordon Fountain  
**Subject:** FW: Clevedon-Kawakawa Road Private Plan Change Request - Further Information Request  
Hi Sanjay,

Please find below the response received from KGA Geotechnical in relation to the outstanding request in relation to Geotechnical matters.

Can you please confirm that all further information matters have now been satisfied.

I will forward a updated DWG file which will hopefully provide the information that GIS need to confirm the plan change area.

Regards,  
Tim.

**Tim Grace** BREP DipSport MNZPI  
Technical Director - Planning

**Lands and Survey**  
**Whangarei | Auckland**

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Please be aware that due to Covid-19 and the Level 4 alert, our office is closed and I am working from home.

---

**From:** Aaron Fell  
**Sent:** Wednesday, 17 June 2020 2:35 PM  
**To:** Tim Grace

**Subject:** RE: Clevedon-Kawakawa Road Private Plan Change Request - Further Information Request

Hi Tim,

KGA previously provided comment with respect to the Auckland Council RFI G1 (Lateral Spread), K190051-2, dated 8 April 2020. Following the issue of this letter, Council have asked for further information as indicated below:

*Lateral spread can occur over a depth equivalent to 2 times the height of the slope face where there are horizons within this depth that have liquefaction potential. Lateral spread potential is not negated by the presence of a non-liquefiable surface raft layer. We do not consider that layer discontinuity will negate the lateral spread potential. Please review your response and analyses and assess what the potential effects to future dwellings are and how these can be mitigated.*

We provide correspondence to the above query below:

#### **Background Comments**

As indicated in the previous RFI letter, we noted that the upper 3m in CPT01 and upper 4.5m in CPT02 were non liquefiable. Below these depths, discrete liquefiable layers (ULS) were identified. Based on the varying depths of the potentially liquefiable layers in the two CPT's, as well as the variability in ground conditions between the SBT plots, we conclude that the site soils and liquefiable layers are not continuous across the site. Based on this, we consider that the development site could expect to develop liquefaction in scattered discontinuous pockets.

In addition to the above, in the case of CPT02, which was drilled on the elevated knoll at the site (knoll is in the order of 4.5m vertical height), almost all of the liquefiable pockets are at a depth below the base of the knoll. Away from the knoll, the ground is generally gently sloping, with the nearest free face (stream channel), approximately 250m away from the development site.

With reference to the technical document titled, 'Soil Liquefaction During Earthquakes' (Idriss & Boulanger, 2008), "subsurface heterogeneity in soils has a strong influence on the magnitude and distribution of liquefaction-induced ground deformation". This document indicates that, where a site is underlain by scattered, discontinuous, liquefiable pockets, it would be more resistant to lateral spreading because the pockets are restrained by the surrounding non-liquefiable soils. Additionally, the document indicates that where liquefiable layers are bounded by non-liquefiable layers (rather than an open face), the magnitude of transient and permanent ground displacements caused by liquefaction would be smaller than where adjacent to an open face.

As indicated above, the closest distance from the development area to a free face (stream channel) is greater than 250m. With reference to MBIE Guidance Document, Repairing and rebuilding houses affected by the Canterbury Earthquakes, Part C: Assessing, repairing and rebuilding foundations in TC3 (April 2015), Table 12.3; the worst case horizontal distance from an open face, where minor to moderate damage due to lateral spreading occurred during the Christchurch earthquakes was 200m. Consequently, in general accordance with this document we could conservatively indicate that the site to be in minor to moderate risk category.

#### **Mitigation Recommendations**

With respect to the above, we conservatively conclude that the site is at minor risk to lateral spreading damage. We provide the following comments and mitigation recommendations for future foundations:

- No liquefaction and consequently, no lateral spreading will occur under SLS conditions
- Based on MBIE Guidance Document, considering a site with a significant non-liquefiable crust, being located greater than 200m from the nearest free face and with consideration to the information provided above, the site could be classified as TC2 to reflect future seismic foundation performance expectations.
- For a TC2 type, lateral spreading of up to 100mm and lateral stretch of up to 50mm across the building are considered possible.
- Based on this, we provide the following foundation recommendations;
  - A stiffened and well tied foundation solutions are suitable to mitigate against the possible minor lateral spreading effects on the foundations.
  - We recommend the use of ribraft foundations that will be able to resist the stress generated by horizontal and vertical offsets.
  - The level of the base of the foundation should be uniform and two layers of polyethylene should be used to reduce the resistance with the base of the foundation.
- Foundations designed in accordance with the above will be able to comply with the NZBC requirements:
  - Under SLS loads, liquefaction induced damage is likely to be minimal/non-existent
  - Under ULS seismic demand, the damage is such that no collapse or partial collapse will occur that can endanger life. However foundation deformation may occur.

We advise that the recommendations provided in this email for foundations should be treated as preliminary only. In accordance with Section 15 of the original geotechnical report (K190051-1a), when Building Consent drawings become available, we should have the opportunity to review them and confirm if the recommendations remain valid.

We trust the above meet your present needs,

Regards,

**Aaron Fell**



**KGA GEOTECHNICAL GROUP LIMITED**

P (09) 478 6655 ex 224 | M 021 821 022

E [aaron@kga.co.nz](mailto:aaron@kga.co.nz) | [www.kga.co.nz](http://www.kga.co.nz)

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all logos

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**From:** Tim Grace [mailto:tim@landsandsurvey.co.nz]

**Sent:** Tuesday, 26 May 2020 11:03 AM

**To:** Aaron Fell <aaron@kga.co.nz>

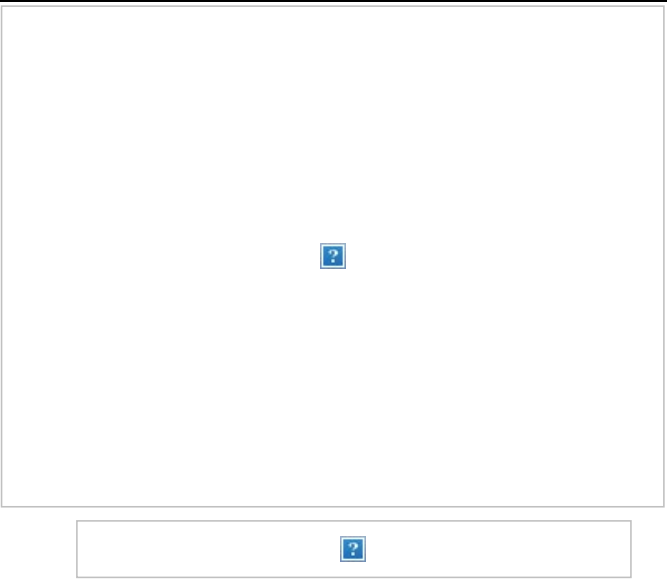
**Cc:** Yan Chan <Yan@kga.co.nz>

**Subject:** RE: Clevedon-Kawakawa Road Private Plan Change Request - Further Information Request

**Importance:** High

Hi Aaron,

The Council has come back with the following response to the information you provided.

G1	Lateral spread	Please provide further information on the assessment of lateral spread.	The area of the site potentially affected by the calculated lateral spread is significant. Please provide further information on the method of assessment used for lateral spread, comment on the calculated lateral spread in relation the height of the free face, whether or not the calculated lateral spread are expected and why, provide lateral spread contours and also outline how this hazard is intended to be mitigated.		<p>Lateral spread can occur over a depth equivalent to 2 times the height of the slope face where there are horizons within this depth that have liquefaction potential. Lateral spread potential is not negated by the presence of a non-liquefiable surface raft layer. We do not consider that layer discontinuity will negate the lateral spread potential. Please review your response and analyses and assess what the potential effects to future dwellings are and how these can be mitigated.</p> <p>Further information required.</p>
----	----------------	---	---	---	---

The Council has advised that James Beaumont from Rileys is happy to discuss this matter directly with KGA if that would be helpful.

Can you please advise how you intend to respond to this matter.

Cheers,

Tim.

**Tim Grace** BREP DipSport MNZPI

Technical Director - Planning

**Lands and Survey**

**Whangarei | Auckland**

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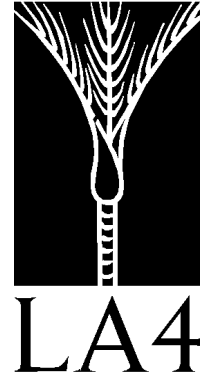


# Technical Specialist Report

**To:** Ms Cossette Saville  
Planner  
Auckland Council

**From:** Rob Pryor  
Director / Registered Landscape Architect  
LA4 Landscape Architects Ltd

**Date:** 11 March 2021



## PC45 Private Plan Change Request: 272, 274 and 278 Clevedon-Kawakawa Road Technical Specialist Report – Landscape and Visual

### 1. Background

- 1.1 Stratford Properties Limited has lodged a private plan change request to the Auckland Unitary Plan (Operative in Part) (**AUP**) in relation to land at 272, 274 and 278 Clevedon-Kawakawa Road. The private plan change request (**PPC**) seeks to rezone 9.88ha of land from Rural Coastal to Countryside Living, and extend the existing Clevedon Village sub-precinct C, with minor amendments, to the land.
- 1.2 LA4 Landscape Architects were requested by Auckland Council in December 2019 to review the 'Landscape Visual Assessment' (**LVA**) as part of the PPC request to determine whether the information provided was sufficiently detailed and accurate to understand the effects of the proposal, and to outline whether any further information is necessary.
- 1.3 Having reviewed the LVA and supporting documentation I was of the opinion that sufficient information had been provided to enable Council to reasonably understand the nature of the private plan change request, its landscape and visual amenity effects on the site and surrounding environment and the way in which any adverse effects on the environment could be mitigated.
- 1.4 I considered that the application had provided sufficient information in terms of the matters to be considered under clause 23 of the First Schedule of the Resource Management Act.

### 2. Introduction

- 2.1 I am a registered landscape architect and a Director of LA4 Landscape Architects. I hold a Bachelor of Science degree in Psychology from Otago University (1980) and a post-graduate Diploma of Landscape Architecture from Lincoln University (1984). I am a registered member of the New Zealand Institute of Landscape Architects (**NZILA**).
- 2.2 I have over 30 years' experience undertaking landscape assessments in both the public and private sectors on a wide variety of major projects within a range of landscape settings, and I specialise in the preparation of landscape and visual effects assessments. This work has also included providing advice on landscape treatment and mitigation measures to reduce any adverse visual and landscape effects of proposed developments. I have prepared evidence for and appeared before numerous Council, Environment Court and Board of

Inquiry hearings in relation to landscape character, visual and amenity effects on the environment.

- 2.3 I have now undertaken a review of the private plan change, on behalf of Auckland Council in relation to landscape and visual effects.
- 2.4 The following documents were referenced in the preparation of the technical review report.
- a) Private Plan Change Request, Statutory Assessment Report, 272, 276 and 278 Clevedon-Kawakawa Road (Lands and Survey Auckland Ltd, 4 November 2019);
  - b) Appendix 13 – Technical Report No. 10, Landscape and Visual Assessment – 272 and 278 Clevedon-Kawakawa Road, Clevedon (Greenwood Associates, 7 November 2019);
  - c) Landscape Plans – Stratford Properties, 278 Clevedon-Kawakawa Road, Clevedon (Greenwood Associates, 5 September 2019);
  - d) Appendix 12 – Technical Report No. 9, Ecological Report, 4Sight Consulting (September 2019).

### **3. Key landscape issues**

- 3.1 The private plan change request raises a number of landscape and visual issues, including the potential effects on landscape character and visual amenity resultant from the change in land use from rural to low density countryside living housing and its effect on the following key areas:
- a) Adjoining properties and their viewing audiences
  - b) Surrounding road network
  - c) Wider Clevedon area
- 3.2 These have been addressed in the Landscape Visual Assessment and addressed below.

### **4. Applicant's assessment**

- 4.1 The 'Landscape Visual Assessment' under Section 5 – 'Assessment of effects' considers the proposal in regard to landscape and visual effects and outlines the actual and potential effects resulting from the addition of the 11 new dwellings that would be enabled on the site as a result of the requested changes to the AUP(OP) and the subsequent proposed countryside living subdivision and development of the site.

#### **Landscape effects**

- 4.2 The landscape effects are assessed as resulting from the change of land use and land cover through the addition of the 11 dwellings within part of the site, therefore changing the land use from rural to low density countryside living housing. The LVA considers that the provisions of the Clevedon sub-precinct C that require a clustered development approach with a large balance area maintained in rural use provides a key mechanism for the mitigation of this change in land use.
- 4.3 The LVA notes that the proposed development is situated towards the south western quadrant of the site in an area elevated above the flood zone. The proposal intends to locate the dwellings in a cluster formation, with minimal earthworks to the site, allowing for corridors between the buildings, enabling mitigation planting to break up the building bulk.
- 4.4 In terms of landscape effects, the LVA concludes that the addition of the 11 dwellings on the site will form a significant change in the landscape, which is currently open pastureland, transforming the character of part of the site from rural to low-density rural residential. The



LVA further notes that the combination of restoration and amenity planting at the time of development (such as the combination of the proposed specimen trees and additional native vegetation to be planted on the site as part of the subsequent resource consent application) will result in an enhanced outcome for the landscape with no adverse effects on the rural character and amenity associated with the surrounding area.

- 4.5 The LVA concludes that while the proposal would reduce the rural character, openness and naturalness of the landscape it is considered that the magnitude of adverse landscape effects would be low.

#### **Visual amenity effects**

- 4.6 The LVA considers that the adverse visual amenity effects associated with the level of change to the site is considered less than minor due to the combination of effective planting and design mitigation, building layout and reduced level of earthworks resulting in an appropriate use for the land. The LVA suggests a number of design controls as mitigation to ensure the rural countryside living character is maintained including design guidelines for future building development. The LVA concludes that the visual change from the more open rural context to a more intense rural living context will be consistent with the land use type and density of the countryside living area that already exists within the surrounding area.
- 4.7 The viewpoint analysis contained within the LVA outlines the potential visual amenity effects from the surrounding area from private viewpoints. The private viewing audience is limited to the properties located adjacent to the plan change site to the west, east and south. The southern properties at 247, 271 and 285 Clevedon-Kawakawa Road are immediately across the road from the site and primarily elevated. The LVA notes that due to the topographical layout of the area, and the extent of existing vegetation, only the dwellings at 271 and 285 Clevedon-Kawakawa Road have direct views to the site, and these are the most affected viewpoints in this location.
- 4.8 The LVA notes that the subdivision and development that will be enabled in the foreground of the views from these dwellings will change the rural framework of the area, however the background hills will continue to retain the rural vista from these elevated properties. In addition, the visual impact would be mitigated by the set back of the development enabled within the site and the planting and design controls that are expected to form part of any future development (as per the requirements of the assessment criteria contained in H19.12.2 and I408.8.2 of the AUP (OP)). Due to the small catchment of those experiencing change and the actual effect created by the buildings that would be enabled within the plan change site visible from this representative viewpoint, the assessment considers that the change to this viewer catchment is very low, with any potential for adverse visual effects to be less than minor.
- 4.9 The public viewing audience is stated as being limited to views when driving along either Clevedon-Kawakawa Road or along North Road. There are minor views available from properties along North Road, with all views being partial.
- 4.10 The existing properties to the east and west of the plan change site, in particular 274 (which forms part of the plan change site) and 294 Clevedon-Kawakawa Road, will be more visually affected by any future development enabled by the plan change request than other properties due to their close proximity, similarity in levels and view outlook.. The LVA assessment notes that the views to the plan change site are unobstructed with any change being significant to the rural outlook of the respective dwellings.
- 4.11 The assessment considers that the moderating factor is the existing low value of the landscape character, being flat pasture devoid of any natural features. These moderating influences along with the mitigating vegetative framework that is expected to form part of any future development proposals (as is the case with the proposal included with the subsequent resource consent application) are considered to result in an overall low effect to the viewing

audience at these positions, with any potential for adverse visual effects considered to be minor.

- 4.12 Views to the plan change site from the new countryside living development to the west at 252 Clevedon-Kawakawa Road are obstructed by the mature buffer of deciduous trees along the boundary and due to the limited visual access, any potential for adverse visual effects are considered very low or less than minor. Views to the plan change site from the existing dwelling to the west at 262 Clevedon-Kawakawa Road located adjacent to the road frontage are restricted by the shelterbelt which totally obscures the site from view along the western boundary.
- 4.13 Overall, the LVA considers that any adverse visual effects as a result of development enabled by the PPC will be minimal and any potential for adverse effects from the subdivision and development that will be enabled by the plan change request will be able to be adequately avoided, remedied or mitigated through the existing provisions of the AUP (OP).

## **5. Assessment of landscape and visual effects and management methods**

- 5.1 In my opinion, development enabled by the PPC resultant from the introduction of built form into the site and the surrounding rural area is an appropriate use of the land within the context of the site and surrounding area. In relation to visual amenity effects, the visual change from a more open rural context to a more developed countryside living context will be generally consistent with the land use type and density of the countryside living activities that already exist within the surrounding area.
- 5.2 The site and immediately surrounding area are not high in 'rural' character values, exhibiting a rural residential or lifestyle character, given the close proximity of the area to the Clevedon Village, the fragmentation that has already occurred through the historical subdivision of farms in the area for lifestyle purposes, and the relatively small land holdings. The area encompasses a variety of rural lifestyle development from small residential type to larger farmlet type sites characterised by low-density living at the rural edge of the Clevedon Village.
- 5.3 While visible from a number of close private viewpoints, views from the surrounding viewing catchment are highly variable due to the landform and vegetation characteristics. The visual outlook from the most affected private properties will change from an open rural vista to one with scattered countryside living characteristics. The proposed housing clusters have been located in the south western part of the site, away from the sensitive Wairoa River environs. This would be consistent within the context of the existing rural living character that is already prevalent along Clevedon-Kawakawa Road at the frontage of the site and immediately to the west of the site and not be incompatible with the settlement pattern in the surrounding area which comprises a diversity of landholdings and activities.
- 5.4 For the most affected viewing audience I consider that the proposed landscape initiatives and design guidelines (outlined in the following section) and the Countryside Living Zone and the Clevedon sub-precinct C provisions of the AUP (OP) will ensure that an appropriate visual outcome is achieved on the plan change site. These provisions and initiatives will ensure that any adverse visual amenity effects of development enabled by the PPC will be mitigated to an appropriate level.
- 5.5 In terms of landscape character effects, the site is not high in landscape character values. While the openness of the existing landscape would be reduced and a greater level of domestication comprising a clustered rural lifestyle development resultant from the PPC, the potential adverse effects on landscape character would be mitigated by the proposed landscape initiatives. The Restoration Planting Areas A, B and C on the landscape plans will

significantly enhance the landscape character values of the site with the proposed indigenous revegetation species.

- 5.6 While there will be a reduction in the landscape character values of the site through development enabled by the PPC, I am of the opinion that overall an appropriate level of landscape character would be achieved through a suitable balance of clustered countryside living development, open space areas and indigenous revegetation planting throughout the site.

### **Management methods**

- 5.7 The LVA outlines that the landscape response for the site is to create a vegetative framework to enable the future built development enabled by the PPC to be well integrated into the site and surrounding landscape context. An indicative Landscape Masterplan has been prepared for the site and landscape planting plans are included in the Ecological Report illustrating the proposed landscape initiatives. I consider that the proposed landscape initiatives are appropriate to mitigate the potential adverse landscape and visual amenity effects of the PPC.
- 5.8 The LVA suggested a number of design controls as mitigation to ensure the rural countryside living character is maintained including design guidelines for future building development. I consider that these are appropriate measures to assist to integrate the built development into the surrounding landscape and I recommend that they be included as a condition of consent as outlined below (underlined and in strikethrough are my suggested changes to the design guidelines).

### **Design Guidelines:**

- Maximum building coverage: 500m<sup>2</sup>.
- Exterior building wall colour control: Light Reflectivity Value of no more than 40% and in the natural range of greys, greens and browns.
- Exterior roof colour control: Where walls are not black, roofing shall be darker in colour than the exterior walls. Rooftop materials shall have a colour in the natural range of greys, greens and browns and a Light Reflectivity Value of no more than 20%.
- Maximum building height: single storey dwellings with provision for upper level attic space or loft space allowed where dwellings have pitched roofs.
- Accessory buildings: Accessory buildings shall be constructed in similar materials and colours to the principal dwellings.
- Mirror glazing: Mirror glazing is not permitted.
- External lighting: ~~All outdoor lighting (attached to buildings or otherwise) shall be fitted with covers and be oriented downwards.~~ The use of outdoor lighting should be minimised and restricted to safety and security purposes. The direct source of light (bulbs etc) must not be visible from the roads or accessways, adjoining lots, or the Wairoa River. Fixtures shall have covers or reflectors to direct light to the ground and shield the light source to mitigate potential glare and light pollution.
- Accessory structures: All water tanks, external gas bottle areas and waste storage areas shall be screened to prevent these structures and / or areas being visible from outside the site. Water tanks shall be sensitivity located and screened (underground locations are preferred). White tanks are not permitted.

- Fencing: All fences shall be a maximum of 1.2 metres high and shall be of a post and wire or post and rail rural style construction. 1.8m high timber close board fencing, decorative lattices or solid walls are not permitted unless such fencing is for the purpose of screening water tanks, external gas bottle areas and waste storage areas.
- Site entrances: All site entrance structures shall comprise of a low-key rural type of treatment such as timber or natural stone and shall extend no more than 6 metres on either side of the formed driveway entrance.
- Gates: All gates shall be of open timber rail or steel rail construction and shall be designed to integrate with the style and height of the adjacent fencing.
- Paving material controls: All driveways, manoeuvring areas and hard stand areas shall be constructed out of visually recessive materials and formed in concrete; or asphalt with either an unformed edge, flush exposed concrete edge beam detail or timber peg board edge; or locally sourced natural stone; or locally sourced gravel; or timber; or dark / earth toned unit pavers. Natural concrete is not permitted unless exposed aggregate concrete is used or the concrete tinted with a minimum of 10% black oxide.
- Services: Power and phone cables shall be installed underground along the road/driveway alignments.
- Stormwater management: All stormwater management infrastructure (except for water tanks) shall be rock-lined, grassed or planted swales and / or rain gardens.
- Activities: The lots shall not be used for intensive farming, animal feedlots, free-range poultry or pig farming or animal breeding or boarding activities.
- Landscape development: At the Building Consent stage a landscape plan shall be prepared for the individual sites to mitigate any potential adverse landscape and visual effects by the future development of dwellings, driveways, retaining walls, parking areas and accessways. Primarily indigenous tree species are to be selected. All exposed cut and fill areas shall be grassed / revegetated within the first planting season after commencement of the earthworks.

5.9 The Clevedon sub-precinct C provisions also provide for appropriate mechanisms to ensure that any potential for adverse effects on landscape character values are mitigated through the design approach that is required for subdivision and development within the precinct. The assessment criteria require consideration of measures to avoid, remedy or mitigate any potential for adverse effects on landscape character and visual amenity values.

5.10 This includes consideration of the design of buildings including bulk and scale; siting and design of buildings and structures to avoid adverse effects on amenity, visual dominance, privacy, shading of adjoining properties and whether the building and structures blend in with the existing rural character. Consideration is also required as to whether proposals enhance landscape character through sensitive response to cultural, natural and landscape values; consideration of landscape planting to relieve bulk, mitigate areas of impervious surface, provide privacy, screen infrastructure and retain existing significant vegetation; and consideration of the design of buildings and structures to maintain the amenity and quality of the surrounding environment.

5.11 I consider that these provisions will appropriately mitigate and potential adverse landscape character and visual amenity effects of development enabled by the PPC.

## 6. Submissions

6.1 A number of submitters have raised concerns in relation to landscape and visual amenity effects. These can be summarised as follows:

- *Retain the Rural Coastal zoning in place, complementary to the Clevedon town centre.*
- *Not opposed to the inevitable Urban spread that is happening within our area or the wider Auckland catchment generally, we in fact embrace it. In this instance however, a smaller number of building sites within the Stratford Properties development would be far more sympathetic to close neighbours, the roading system and the environment and be much more in keeping with the surrounding area.*
- *Loss of privacy and peaceful lifestyle.*
- *Quantity of houses proposed in the subdivision proposed is not aligned with rural countryside living zone.*
- *Loss of privacy and reduction of the productive rural land.*
- *Visual eyesore, directly in-front of the rural outlook.*
- *Rural character of the land will be changed and ruined as there will be another suburban subdivision.*
- *Planting required to reduce visual impact with significant tree planting.*
- *The expansive landscape views, as seen from Clevedon-Kawakawa Road, out across the flood plains of the lower reaches of the Wairoa River, toward the Hauraki Gulf will be severely impacted. The current openness of this landscape will become significantly impaired, mainly through the greater level of urbanisation brought into this setting through this proposed subdivision development. The obstruction of views will be impacted adversely from the public road under PC45 by the proposed planting of tall trees.*

6.2 I consider that while the outlook from a number of the submitters properties in the immediate vicinity will change from the more open rural context to a more intense rural living context it will be generally consistent with the land use type and density of the countryside living area that already exists within the surrounding area to the west of the site.

6.3 In my opinion, the landscape mitigation measures illustrated within the Master Landscape Plan, the proposed Design Guidelines and the AUP(OP) and Clevedon sub-precinct C provisions will provide for appropriate mechanisms to ensure that any potential for adverse effects on landscape character and visual amenity values are mitigated through the design approach that is required for subdivision and development within the precinct.

## 7. Conclusions and recommendations

7.1 I consider that the applicant has adequately addressed the landscape and visual amenity effects on the environment of development enabled by the private plan change. In my opinion, the proposed private plan change and development that will be enabled by the requested rezoning will have minimal adverse landscape and visual amenity effects on the environment and the existing provisions of the AUP (OP) and Clevedon sub-precinct C will ensure that any potential for adverse effects at the time of subdivision and development will be appropriately avoided, remedied or mitigated.

- 7.2 The plan change site is an appropriate location for the rezoning of the land to provide for additional countryside living subdivision and development near the Clevedon Village. The immediately surrounding land is not high in rural character values due to the existing fragmented settlement pattern, size of allotments and relative degraded floodplain characteristics.
- 7.3 The surrounding area has a rural residential or lifestyle character, given the close proximity of the area to the Clevedon village, the fragmentation that has already occurred through the historical subdivision of farms in the area for lifestyle purposes, and the viability of the relatively small properties as economic farming units. The area therefore incorporates a variety of rural lifestyle development from small residential type to larger farmlet type sites characterised by low-density living at the rural edge of the Clevedon village.
- 7.4 The plan change site is located adjacent to the eastern edge of the Rural – Countryside Living Zone and the associated Clevedon sub-precinct C. A countryside living subdivision has recently been completed on the adjacent land on the adjoining property at 252 Clevedon-Kawakawa Road.
- 7.5 The Countryside Living Zone and the Clevedon sub-precinct C provisions of the AUP (OP) will ensure that an appropriate outcome is achieved on the plan change site. These provisions will ensure that the character, amenity and natural values associated with the land requested to be rezoned is maintained and where possible enhanced. The potential for the rural character and amenity of the land to be adversely affected through subsequent subdivision and development for countryside living purposes can be appropriately avoided, remedied or mitigated through the clustered subdivision and development approach that requires a substantial area to be retained for productive purposes which is implicit in the Clevedon sub-precinct C provisions of the AUP (OP).
- 7.6 I consider that development enabled by the private plan change would not be out of character with the surrounding rural environment and the potential landscape and visual amenity effects from the proposal on the character and amenity of the rural environment are considered to be appropriate. In my opinion, development enabled by the private plan change could be visually accommodated within the landscape without adversely affecting the landscape character, visual amenity, aesthetic value and integrity of the surrounding rural environment.
- 7.7 In conclusion, I support the private plan change subject to the recommended Design Guidelines outlined above being adopted.



**Rob J Pryor**  
Director | NZILA Registered Landscape Architect  
March 2021



Memo (technical specialist report to contribute towards Council's section 42A hearing report)

11 June 2021

To: Matthew Gouge - Senior Planner, Auckland Council

From: Dr Reece Hill

Subject: Private Plan Change – PC45– Productive Soil Assessment

## **1.0 Introduction**

1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to Productive soil effects.

I hold a Doctor of Philosophy in Soil Science from Lincoln University (2000), a Master of Applied Science in Soil Science from Lincoln University (1994), and a Bachelor of Science with a double major in Biological Sciences and Earth Sciences from University of Waikato (1988).

I have completed a Correspondence Certificate in Wine from Eastern Institute of Technology and the Advanced Sustainable Nutrient Management FLRC Short Course from Massey University.

I am a past President of the New Zealand Society of Soil Science (2014-2016), and a current member of the New Zealand Society of Soil Science, New Zealand Association of Resource Management, and the New Zealand Institute of Agricultural & Horticultural Science.

I have more than 25 years' experience working in the soil science discipline, including three years mapping forest soils in Tasmania, 19 years as a Soil Scientist at Waikato Regional Council, and six years as a Soil Consultant at Landsystems, of which I have been full time for the past two years.

I specialise in soil characterisation, soil mapping, land use capability assessment, regional soil policy, soil quality, and catchment and land management. I have applied these skills in numerous projects within Waikato Regional Council and Landsystems, working with individual landowners including farmers and growers, regional and district council staff, Crown Research Organisations, Universities, and Ministry staff (MPI and MfE).

I was lead reviewer for the Ministry for the Environment review of national soil quality monitoring and indicators and established the soil quality monitoring programmes for Waikato Regional Council and Nelson City Council.

I have advised central government and district and regional councils throughout New Zealand in relation to soil management, land use capability, high class soils and the use of soil map information. This included regional council representation on the Land Use Capability Classification System (LUCCS) Governance Group.

I have undertaken property scale soil and Land Use Capability (LUC) assessments to identify high class soils for subdivision applications and farm land management, and regional scale soil mapping in the Waikato, Auckland, Bay of Plenty and Otago regions.

As part of my role at Waikato Regional Council, I was Lead Technical Writer for the Soils chapter (Chapter 14) of the Waikato Regional Policy Statement which became operative in 2016. Chapter 14 included a policy on High Class Soils (Policy 14.2). I provided soil and land fragmentation technical advice to the Ministry for Primary Industries for the proposed National Policy Statement on Highly Productive Land (NPS-HPL).

In 2020, I provided technical soils expertise to support The Waikato District Plan (Stage 1) review, with my main input focussing on Subdivision Rules and high class soils.

1.2 In writing this memo, I have reviewed the following documents:

- Appendix 9.1- Soil Map for the Clevedon Kawakawa Private Plan Change (PPC) Proposal.
- Appendix 9.2- Technical Report No 6- Soil Assessment Report.
- Appendix 11- Technical Report No 8- Land Use Capability Report.
- Appendix 3 - Land Use Capability Matters.

## 2.0 Key productive soil Issues

The Auckland Unitary Plan (AUP) defines land containing elite soil as:

*Land classified as Land Use Capability Class 1 (LUC1). This land is the most highly versatile and productive land in Auckland. It is:*

- *well drained, friable and has well-structured soils;*
- *Flat or gently undulating; and*
- *capable of continuous cultivation.*

*Includes:*

- *LUC1 land as mapped by the New Zealand Land Resource Inventory (NZLRI);*
- *Other lands identified as LUC1 by more detailed site mapping;*
- *Land with other unique location or climatic features, such as the frost-free slopes of Bombay Hill;*
- *Bombay clay loam;*
- *Patumahoe clay loam;*
- *Patumahoe sandy clay loam; and*
- *Whatitiri soils.*

The AUP defines land containing prime soil as:

*Land identified as land use capability classes two and three (LUC2, LUC3) with slight to moderate physical limitations for arable use. Factors contributing to this classification are:*

- *readily available water;*
- *favourable climate;*
- *favourable topography;*
- *good drainage; and versatile soils easily adapted to a wide range of agricultural uses.*

For the definition of land containing elite soil, I consider the naming of specific soils an important point to note. These soils support the majority of commercial growing in the Auckland region. In considering the protection of the greater regional (and national) land for



food production these soils were specifically named, irrespective of their NZLRI based LUC class, but considering the limitations of slope and soil drainage noted in the definition.

For the definition of land containing prime soil, my interpretation is that all land identified as land use capability classes two and three (LUC Class 2 and LUC Class 3) is land containing prime soil. By definition, LUC Class 2 and LUC Class 3 land have slight to moderate physical limitations for arable use and are according to the criteria in Lynn et al. (2009)<sup>1</sup> multiple use land. Furthermore, my interpretation of factors listed in the definition are contextual (factors that contribute to land being LUC 2 or LUC 3) and are not additional factors to be considered for assessing land already defined as LUC Class 2 and LUC Class 3.

In this report I use the above interpretations of the AUP definitions as my basis for classifying land containing elite and prime soil.

### **Importance of land containing elite and prime soil**

Land containing elite and prime soil is a non-renewable, finite resource. Land containing elite soil represents <1% (4397 ha) of total land area in Auckland which is predominantly located in and around west Pukekohe, a renowned powerhouse in terms of outdoor vegetable production. LUC Classes 2 and 3 represent 12% (55,356 ha) and 15% (65,090 ha), respectively, of land area in Auckland<sup>2</sup>.

The pressures facing land containing elite and prime soil in Auckland region have been well documented and have been recognised nationally<sup>3</sup>. The importance of the issue was recently nationally acknowledged with the announcement of a proposed National Policy Statement for Highly Productive Land (NPS-HPL)<sup>4</sup>. Although only proposed, the discussion document does specifically mention that while highly productive land makes up a small proportion of all land in New Zealand, it provides significant value locally and nationally by providing a number of benefits. Market gardening and vegetable production rely heavily on highly productive land to produce crops that meet consumer expectations at yields that provide a sufficient return for food producers<sup>5</sup>.

### **Loss of land containing elite and prime soil**

The scale and value of horticulture hubs, and the typically flat, well-serviced land that they occupy at urban fringes, makes horticulture more vulnerable to urban expansion than other primary sectors. From 2002 to 2016, New Zealand's area of land previously used for vegetable growing decreased 29 percent, from nearly 100,000 hectares to about 70,000 ha<sup>6</sup>.

<sup>1</sup> Page 9 of Lynn et al. (2009).

<sup>2</sup> Curran-Cournane F et al. (2014). Trade-offs between high class land and development: recent and future pressures on Auckland's valuable soil resources. *Land Use Policy* 39: 146-154.

<sup>3</sup> Rutledge, D.T., et al. (2010). Thought for food: impacts of urbanisation trends on soil resource availability in New Zealand. *Proceedings of the New Zealand Grassland Association* 72: 241-246.; Andrew, R., Dymond J.R. (2013). Expansion of lifestyle blocks and urban areas onto high-class land: an update for planning and policy. *Journal of the Royal Society of New Zealand* 43: 128-140.; Ministry for the Environment and Statistics New Zealand (2018). *Our Land 2018. Data to 2017 At a Glance*. New Zealand's Environmental Reporting Series. New Zealand Government.

<sup>4</sup> Ministry for Primary Industries (2019). Discussion document on a proposed National Policy Statement for Highly Productive Land. Ministry for Primary Industries. August 2019.

<sup>5</sup> Ministry for Primary Industries (2019). Discussion document on a proposed National Policy Statement for Highly Productive Land. Ministry for Primary Industries. August 2019.

<sup>6</sup> Ministry for Primary Industries (2019). Discussion document on a proposed National Policy Statement for Highly Productive Land. Ministry for Primary Industries. August 2019.

Aside from the thousands of acres of highly productive market gardening land that went out of production in and around the Auckland Isthmus in the early-mid 1900s (Hunt, 1959), Curran-Cournane et al. (2014) estimate that total of 10,399 ha (8.3%) of Auckland's land containing elite and prime soil has been lost to various urban development categories, with the majority of loss occurring from 1996 onwards.

#### **NZLRI and FARM LUC classification**

Dr Fiona Curran-Cournane in her Environment Court Evidence in Chief for the appeal between Self Family Trust and Auckland Council (ENV-2016-AKL-304-000199), stated that Auckland Council has historically used the New Zealand Land Resource Inventory (NZLRI) system for mapping LUC but now more readily accepts a new LUC classification for Auckland developed to address regional issues and differences with the NZLRI LUC classification system.

The FARM LUC classification system (FARM LUC) retains the NZLRI LUC classes 1 to 8 but replaces the four NZLRI subclasses (indicating general limitations to land use) with twenty specific sub-classes and replaces unit numbers (denoting different kinds of land but three inconsistent number sets) with a single set of character suffixes (**Table 1**).

**Table 1.** NZLRI and FARM LUC limitation sub-classes.

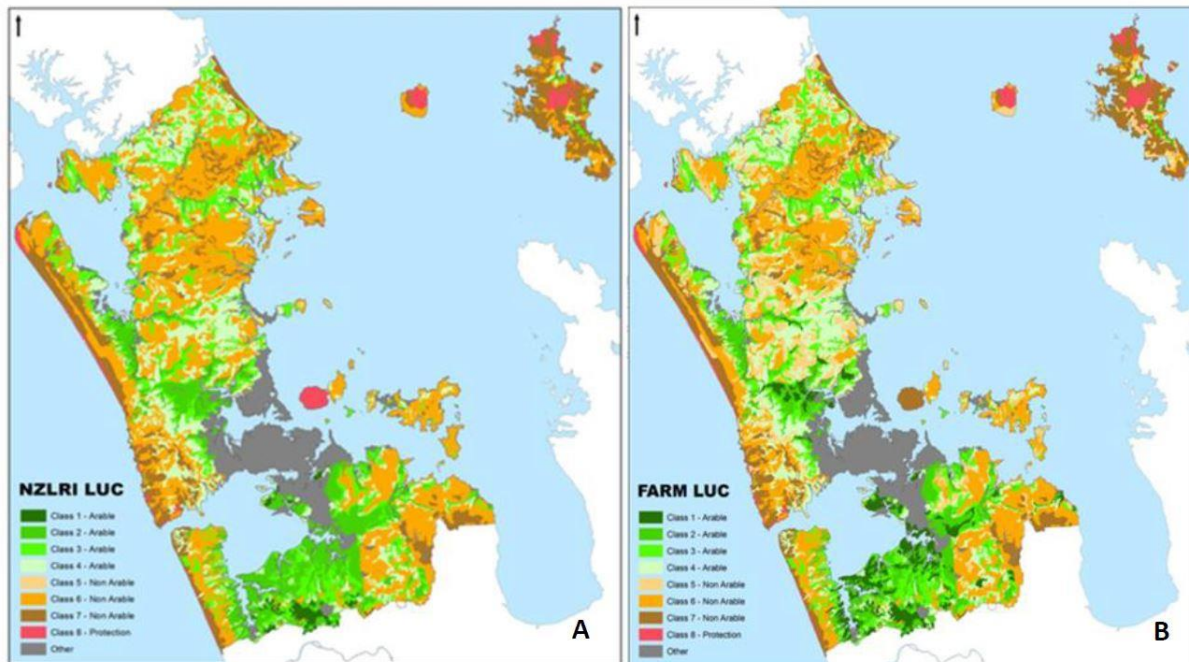
NZLRI	FARM LUC	Description
<i>Climate and slope</i>		
c	c	Climate constrains crop, grass or tree growth, any other limitations are negligible
c	s	Slope shape or contour precludes cultivation, slope elevation constrains crop, grass or tree growth, any other limitations are negligible
<i>Soil</i>		
s	r	surface stones or rock outcrops
s	p	poor subsoil structure or subsoil pan
s	n	nutrient deficiency
s	a	salinity
s	y	toxicity
<i>Drainage and wetness</i>		
w	x	excessively free-draining
w	w	imperfectly draining or impeded drainage
w	f	flooding (occasional, regular or frequent)
w	o	over-drainage and/or oxidation of peat
<i>Deposition and erosion</i>		
e	e	alluvial or colluvial sediment deposits
e	t	sheetwash or windblow (exposed topsoil)
e	d	blow-outs and dunes (sand)
e	o	scree (stony slope deposits)
e	b	streambank collapses
e	g	gullies (including under-runners)
e	u	slumps or earthflows
e	l	landslides or debris avalanches
e	k	rockfalls

The FARM LUC classification provides a single set of revised LUC classes for the Auckland region, rather than relying on three previous NZLRI based LUC class sources. Details of the FARM LUC are provided in the report by Hicks and Vujcich (2017)<sup>7</sup>.

<sup>7</sup> Hicks, DL and Vujcich V. (2017). Farm-scale land use capability classification for Auckland. Auckland Council Technical Report TR2017/016.

Reclassification of land in the Auckland region using FARM LUC identified that some classes of land are not as they initially appeared to be at the NZLRI regional scale<sup>8</sup>. The main examples provided were that LUC class 1 and class 5 land appeared limited at the 1:50,000 scale and were more extensive when using FARM LUC at the same scale, with a corresponding decrease in land that was previously mapped as LUC class 2 and 6 land, respectively, under the NZLRI increases effectively saw a decrease in land that was previously mapped as LUC class 2 and 6 land, respectively, under the NZLRI.

The distribution of NZLRI LUC and FARM LUC classes for the Auckland region is shown in **Figure 1**<sup>9</sup>.



**Figure 1.** The distribution of NZLRI LUC and FARM LUC classes for the Auckland region.

Of note is that the land in the south of the Auckland region (and in the broader area surrounding the subject area) is predominantly LUC classes 1, 2 and 3 irrespective of the LUC classification used and that applying the FARM LUC visually increases the proportion of LUC Class 1 in the same broader area. I have included reference to both the NZLRI LUC and the FARM LUC classification classes.

### 3.0 Applicant's assessment

I have reviewed the applicant's reports and maps relating to productive soils:

- Appendix 9.2- Technical Report No 6- Soil Assessment Report
- Appendix 9.1- Soil Map for the Clevedon Kawakawa Private Plan Change (PPC) Proposal

#### Comments on soil assessment report

An independent soil assessment was undertaken by Dr Douglas Hicks on 16 November 2018 at the request of the applicant. The final assessment report was provided on 7 October 2019.

<sup>8</sup> Dr Fiona Curran-Cornane, Environment Court Evidence in Chief for the appeal between Self Family Trust and Auckland Council (ENV-2016-AKL-304-000199).

<sup>9</sup> Sourced from Dr Fiona Curran-Cornane, Environment Court Evidence in Chief for the appeal between Self Family Trust and Auckland Council (ENV-2016-AKL-304-000199).

The assessment covered the soils on part of a farm at 272 - 278 Clevedon - Kawakawa Bay Road near Clevedon (Lot 1 DP 146882, 52.0 hectares).

The report states the specific soil related matters on which Stratford Properties Limited sought independent advice:

- *What soils are present on the property at 278 Clevedon – Kawakawa Road.*
- *What are the land use capability classes of the soils, using the latest definitions of land use capability class.*
- *Whether soils would be classified as elite, prime and other under the definitions used in the Auckland Unitary Plan - Operative in Part.*

### **Field observations**

Soil observations (64 observations in total) covered most of the subject area, with the noted exception of the smaller properties in the north of the subject area for which (based on the map of soil observations provided) there were only observations on the outside perimeter of this area.

Dr Hicks augmented soil observations with landform boundaries to assist land use capability classification of the soils. Underlying geology, surface soil, and other relevant physical features - slope, site wetness, and erosion or deposition were noted for each landform following the criteria provided in Lynn et al. (2009).

### **Soil description and LUC classification**

The methods used for the soil assessment and LUC classification in Appendix 9.2- Technical Report No 6- Soil Assessment Report are thorough and follow the accepted approach and guidelines used in New Zealand for soil and LUC assessment, namely Milne et al. (1995)<sup>10</sup> and Lynn et al. (2009)<sup>11</sup>, and soil information relevant to the subject area, namely the 1:20,000 Manukau S-map (McLeod et al. 2012)<sup>12</sup> and Purdie et al. (1981)<sup>13</sup>.

Soil names used are those provided on the 1:20,000 Manukau S-map, a digital version of DSIR Soil Bureau's maps, prepared in 2012 by Landcare Research (McLeod et al. 2012). The Manukau City Soil Map is a 1:20,000 map compiled by DSIR Soil Bureau (Purdie et al., 1981). Sheet B7 covers the area east of Clevedon. Dr Hicks has retained the DSIR's nomenclature (soil names) for his soil map of the subject area on the basis that planners and consultants generally use the same names, when supplying published (and unpublished) information about soil properties to local landowners. I agree that this is useful and acceptable for the assessment.

The LUC classification methods correctly describes, adopts, and applies the relevant existing LUC units provided by the LUC classes, sub-classes and units as defined for South Auckland

<sup>10</sup> Milne JDG, Clayden B, Singleton PL, Wilson AD. (1995). Soil Description Handbook. Lincoln, New Zealand, Manaaki Whenua Press. 157p.

<sup>11</sup> Lynn IH, Manderson AK, Page MJ, Harmsworth GR, Eyles GO, Douglas GB, Mackay AD, Newsome PJF. 2009. Land Use Capability survey handbook – a New Zealand handbook for the classification of land. AgResearch Hamilton; Manaaki Whenua Lincoln; GNS Science Lower Hutt, New Zealand.

<sup>12</sup> McLeod M et al. (2012). Manukau S-map. Available on <https://smap.landcare.research.co.nz>.

<sup>13</sup> Purdie BR et al. (1981). Manukau City Soil Survey Progress Report. District Office Report HV5, Soil Bureau, DSIR.

(Walsh 1977<sup>14</sup>, Jessen et al., 1984<sup>15</sup>) and as an independent check, includes the FARM LUC units<sup>16</sup> as the basis for determining the final LUC classification map units in the subject area. Table 1 in Dr Hick's report provides the land use capability classification of soils in the subject area.

**Land containing elite, prime or other soil.**

Dr Hicks has correctly interpreted and applied the Auckland Unitary Plan definitions of land containing elite or prime soil, to determine whether soils would be classified as elite, prime and other soil. His interpretations are supported by explanations provided to Council in Appendix 3 - Land Use Capability Matters where he specifically referred to his evidence-in-chief and rebuttal evidence for the Self Family Trust and Auckland Council Environment Court hearing 29875791 (SFT v AC), and an information note (Definitions of elite and prime soil in the Auckland Unitary Plan) supplied to its Research and Evaluation Unit in July 2019.

Based on Dr Hick's assessment and resulting map (Figure 1: Soil map of Stratford Properties' proposed rural subdivision) for the subject area:

- The areas of elite soil total 0 hectares (0 %),
- the areas of prime soil total 6.03 hectares (11.6 %), and
- other soils combined total 45.97 hectares (88.4 %) of the subject area.

Based on my interpretation of the AUP definitions of land containing elite, or prime soil, I agree that the subject area does not have present any land containing elite soils and agree with the classification of the areas of land containing prime soil, and other soil.

My breakdown of the areas of land containing elite, prime and other soil is summarised in Table 2.

<sup>14</sup> Walsh SD (1977). NZLRI Waikato region land use capability extended legend (1st edition). Published for the National Water and Soil Conservation Authority by Water and Soil Division, MWD.

<sup>15</sup> Jessen MR (1984). Additions to NZLRI South Auckland - Waikato region land use capability extended legend (2nd edition). Unpublished document, Water & Soil Division, MWD.

<sup>16</sup> Hicks DL and Vujcich V. (2016). Farm-scale land use capability classification for Auckland. Technical Report 2017/16, Auckland Council.

**Table 2.** The areas of land containing elite, prime, and other soil, relative LUC class, and FARM LUC unit.

Land containing elite, prime or other soil	Combined area (ha)	LUC class	Soil map unit code <sup>17</sup>	FARM LUC unit	
Elite	0.00	1	none	N/A	
Prime	6.03	2	Ka	2 c+t	
			Kam	2 c+w	
			Wps/Clm	2 c+w	
Other	45.97	3	Ka	3t	
			Cl	3p+t	
			Wpg/Clm	3w	
			Wmm	3w	
			Wmm+Wm	3w	
			Wmm/Ham	3w+e	
			Wmm/Clm	3p+w	
			Ham	3w+a	
		4	4	Ka'	4t
				Cl'	4p+t
				Wmg/Clm	4p+w
				Wmg/Clm	4w
				Wmg/Hag	4w+e
		5	5	Hay	5a
				Wmr	5f
				Wmr+Clm	5f+b
				Wmr/Ham	5f+b
				Wmr/Hag	5f+a
		6	6	Hay	6a
				Wmr	6f
				Wmr/Hag	6f+a
Total area	52.00				

#### PC45 site visit

On the 24th of February 2021, I attend a site visit to 272 - 278 Clevedon - Kawakawa Bay Road near Clevedon (the subject area). As part of my visit I was able to visually assess the land features and soils of the area and compare my observations against those provided by the applicants soil assessment (Appendix 9.2- Technical Report No 6- Soil Assessment Report).

Although no detailed soil descriptions or mapping was undertaken, I did compare the general soil map and LUC map boundaries provided by Dr Hicks with the landforms of the site and also completed several soil auger observations in key areas to check the soil as described. I can conclude from my site observations and examination of the descriptions of soils and LUC units provided in the applicants report that I am in agreement and accept Appendix 9.2- Technical Report No 6 - Soil Assessment Report as providing a thorough and accurate representation of the soils and LUC units on the subject site.

<sup>17</sup> Based on the map units provided in Appendix 9.1- Soil Map for the Clevedon Kawakawa Private Plan Change (PPC) Proposal.



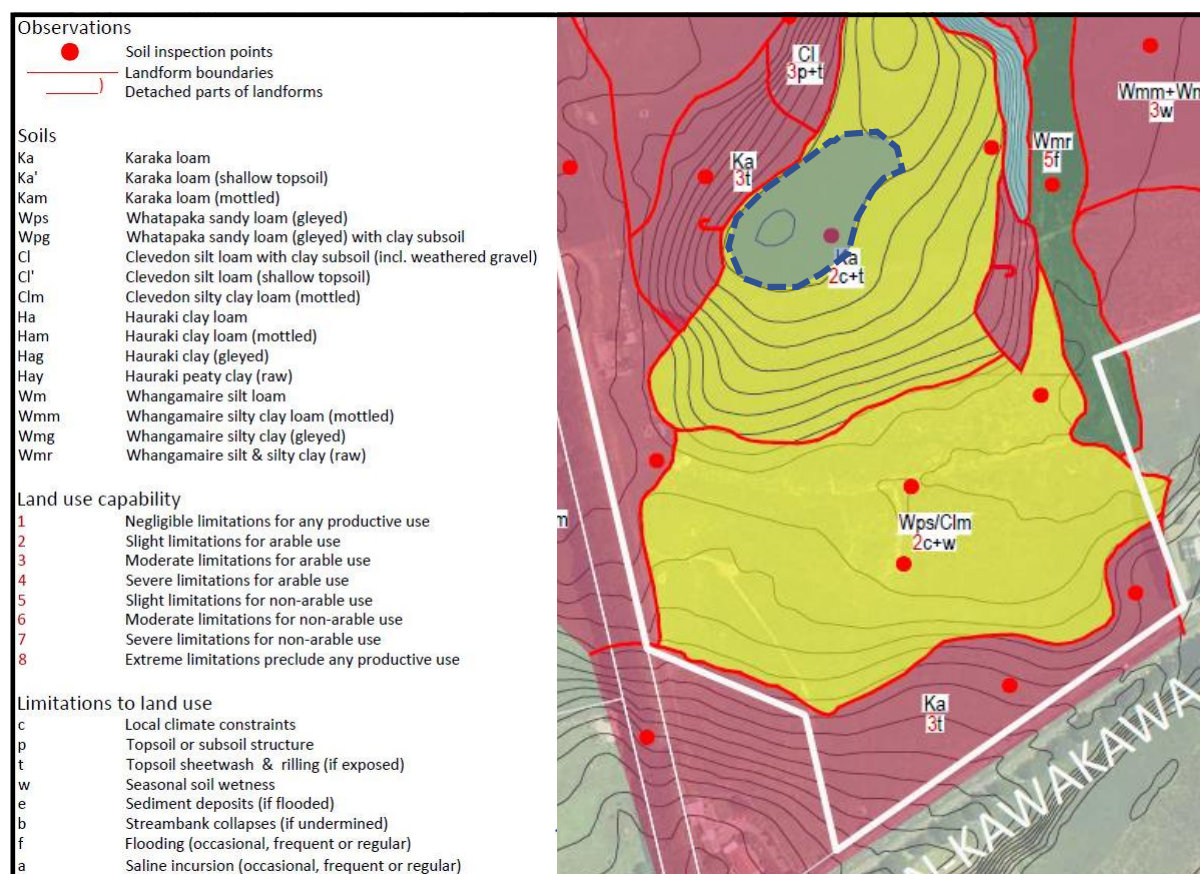
I do note that Dr Hicks in Table 1 of the report has included reference to a Karaka soil with LUC unit of 2s4 and FARM LUC unit of 1c which is not present on the map provided (**Figure 2**).

*Karaka soil on undulating high terraces and terrace edges (airfall ash over weathered stream sediment)*

Soil texture	Drainage class	Slope	Erosion/deposition on risk	NZLRI (re-mapped at 1:5000)	LUC FARM LUC
loam	free to slow	flat to undulating	negligible	2s4	1 c
with clay subsoil (mottled)	slow to imperfect	flat to undulating	negligible	2s4	2 c+w
loam	free to slow	undulating	slight sheetwash	2e4	2 c+t
with shallow topsoil	free to slow	rolling	moderate sheetwash	3e5	3 t
with shallow topsoil	free to slow	strongly rolling	severe sheetwash	-	4 t

**Figure 2.** Excerpt from Table 1 in Appendix 9.2- Technical Report No 6 - Soil Assessment Report.

Based on my observations on site and the contours on the map provided in the report the only possible area this LUC unit could be located is on a small flat or gently undulating area near the highest point in the existing Ka (Karaka) soil map unit. This area is indicated by the blue area with the dashed line border (**Figure 3**).



**Figure 3.** Excerpt from the soil map in Appendix 9.1- Soil Map for the Clevedon Kawakawa Private Plan Change (PPC) Proposal.

However, in my opinion, this area is correctly classified as Dr Hick's has done so in his report, as LUC unit 2s4 and FARM LUC unit 2c+t. I suggest that the inclusion of this soil and LUC unit in Table 1 is unnecessary and can be ignored/removed.



#### **4.0 Assessment of productive soil effects and management methods**

I am in agreement with Dr Hicks's summation of the land uses based on the soils observed, and their respective classifications relative to the AUP definitions of land containing elite, or prime soil.

Based on the assessment by Dr Hicks, and my reassessment of the soil and LUC data provided by Dr Hicks, there is no land containing elite soil in the subject area. Therefore, no elite soils will be impacted by the subdivision and development enabled by the proposed plan change.

Based on my re-assessment of Dr Hicks data and my interpretation of the AUP definition of land containing prime soil, I agree that the areas of land containing prime soil total 6.03 hectares (11.6 %).

Based on my re-assessment of Dr Hicks data and my interpretation of the AUP definition of land containing prime soil, I agree that the remaining areas combined, total 45.97 hectares (88.4 %) of the subject area and are classed as land containing other soil<sup>18</sup>.

Dr Hicks states that the areas identified as containing other soil either has moderate to severe limitations for horticulture, or moderate to severe limitations for growing pasture and grazing livestock. I am in agreement with this statement based on the soil information Dr Hicks has provided. For this reason, and given the subject area has no land containing elite soil, my assessment of productive soil effects focuses on the loss of land containing prime soil, and its significance.

#### **Loss of land containing prime soil**

My consideration of the significance of the loss of land containing prime soil on the subject area, includes the following factors:

- The importance of land containing prime soil,
- the size of the area of land containing prime soil,
- the impact of subdivision on that area,
- the location of the area of land containing prime soil, and
- its productive potential.

The purpose of the AUP definition of land containing prime soil is to elevate the importance of land classified as land use capability classes two and three (LUC2 and LUC3). The AUP recognises the importance of this land with high productive potential for primary production stating that 'no matter what type of rural production occurs, retaining land with high productive potential for primary production provides flexibility to improve economic performance, sustainably manage land resources and enable communities to pursue sustainable lifestyles'<sup>19</sup>.

The value of LUC classes 2 and 3 is also reflected in the National Policy Statement for Highly Productive Land Discussion Document<sup>20</sup>. The National Policy Statement for Highly Productive Land (NPS – HPL) proposes the definition of Highly Productive Land as land

<sup>18</sup> By default, land with soil that does not meet the the AUP definitions of land containing elite, or prime soil, is classed as land containing other soil.

<sup>19</sup> AUP – B9 Toitū te tuawhenua- Rural environment, B9.5. Principal reasons for adoption.

<sup>20</sup> Ministry for Primary Industries (2019). "Discussion document on a proposed National Policy Statement for Highly Productive Land. Ministry for Primary Industries. August 2019."

containing LUC classes 1-3 in the interim and identifies highly productive land as parcels that qualify as HPL according the NPS - HPL default definition (50% or greater coverage of LUC 1-3 or 4ha or greater of LUC 1-3)<sup>21</sup>. This suggests that land of 4ha or greater of LUC 1-3 is of some productive value which requires consideration.

The importance of land containing prime soil is also referred to in the report provided by the application - Appendix 11- Technical Report No 8- Land Use Capability Report (referred to as the 'AgriBusiness Report')<sup>22</sup>. The report emphasises that the 'AUPOiP provisions are to ensure that Auckland retains sufficient soils which have the desirable characteristics to enable the continuation of horticultural production, particularly the commercial vegetable production sector'.

Dr Hicks in his report, states that 4.80 ha of prime soil (Whatapaka sandy loam over Clevedon silty clay loam 2 c+w, Karaka loam 2 c+t), would cease to be used for rural production of the proposed subdivision will occur on 4.80 ha will be on prime soil (Whatapaka sandy loam over Clevedon silty clay loam 2 c+w, Karaka loam 2 c+t), the balance of the prime soil (1.23 ha) being retained for productive use. The net residual area of prime soil and other soil available for farming will be 44.32 hectares.

Dr Hicks does not provide comment on the productive viability of the area of prime soils removed from production (4.80 ha), but comments that the separate assessment by Mr Stuart Ford<sup>23</sup> confirms that neither area suffices to support a viable horticultural enterprise.

Mr Stuart Ford in his report, provides the opinion that 'in general the commercial vegetable production sector regard blocks of land below 50 ha as unsuitable to be able to operate them efficiently'. This opinion refers to factors such as the scale of vehicles that are used, the size of the property being too small to allow complete rotation of a range of crops, and the increased travel times between the various blocks reducing the efficiency of commercial vegetable production operation.

I am not entirely in agreement with this use of a 50 ha block size area to determine the productive potential of the land in question. However, I do acknowledge that the range of horticultural uses is somewhat reduced.

The purpose of sustainable management is to safeguard the life-supporting capacity of natural resources (including soil) now and in the future. This includes protecting the productive potential of the land, to provide for present and future generations<sup>24</sup>. From a soils perspective, I am of the opinion that consideration should not be based on the commercial viability of horticultural enterprises requiring 50 ha as suggested. Although large scale efficient commercial vegetable production operations may require 50 ha for efficiency, areas of land in the Auckland region of less than 50 ha have been in horticultural use for many decades. In a survey of outdoor vegetable growers in Pukekohe, the total effective vegetable growing area for those that responded to the survey ranged from as low as 12 ha to 170 ha,

<sup>21</sup> Ministry for Primary Industries (2019). "Discussion document on a proposed National Policy Statement for Highly Productive Land. Ministry for Primary Industries. August 2019."

<sup>22</sup> PC45 - Appendix 11- Technical Report No 8- Land Use Capability Report.

<sup>23</sup> PC45 - Appendix 11- Technical Report No 8- Land Use Capability Report.

<sup>24</sup> Section 5(2) of the Resource Management Act 1991; AUP – B9 Toitū te tuawhenua- Rural environment, B9.5. Principal reasons for adoption.

and a regional average of 35 ha was also referred to<sup>25</sup>. Furthermore, there is no way to predict the future viability of different sized land options, with the exception that the subdivision of these areas would almost certainly render them unavailable for any potential future productive uses.

Mr Ford in his report, provides comment on the location of prime soils on the subject area. He states that the location of the soils classified as prime on the property are also isolated to the south-western and south-eastern corners of the property and as such could not be amalgamated with any adjacent properties to form a viable block of elite or prime soils that would be of sufficient scale to carry out horticultural operations on. Based on observations during my site visit, I agree with this point, and that the potential productive uses of the land containing prime soil is limited by its isolated location.

In my consideration of productive soil effects, specifically the loss of land containing prime soil, I conclude that subdivision of the areas identified as land containing prime soil, does represent a loss of highly productive land and will contribute to the ongoing fragmentation of productive land in the Auckland region. However, given the size and isolated location of the land containing prime soil, and the reduced productive land use options for the land, I do not consider this loss a significant effect with regard to productive soils.

## **5.0 Submissions**

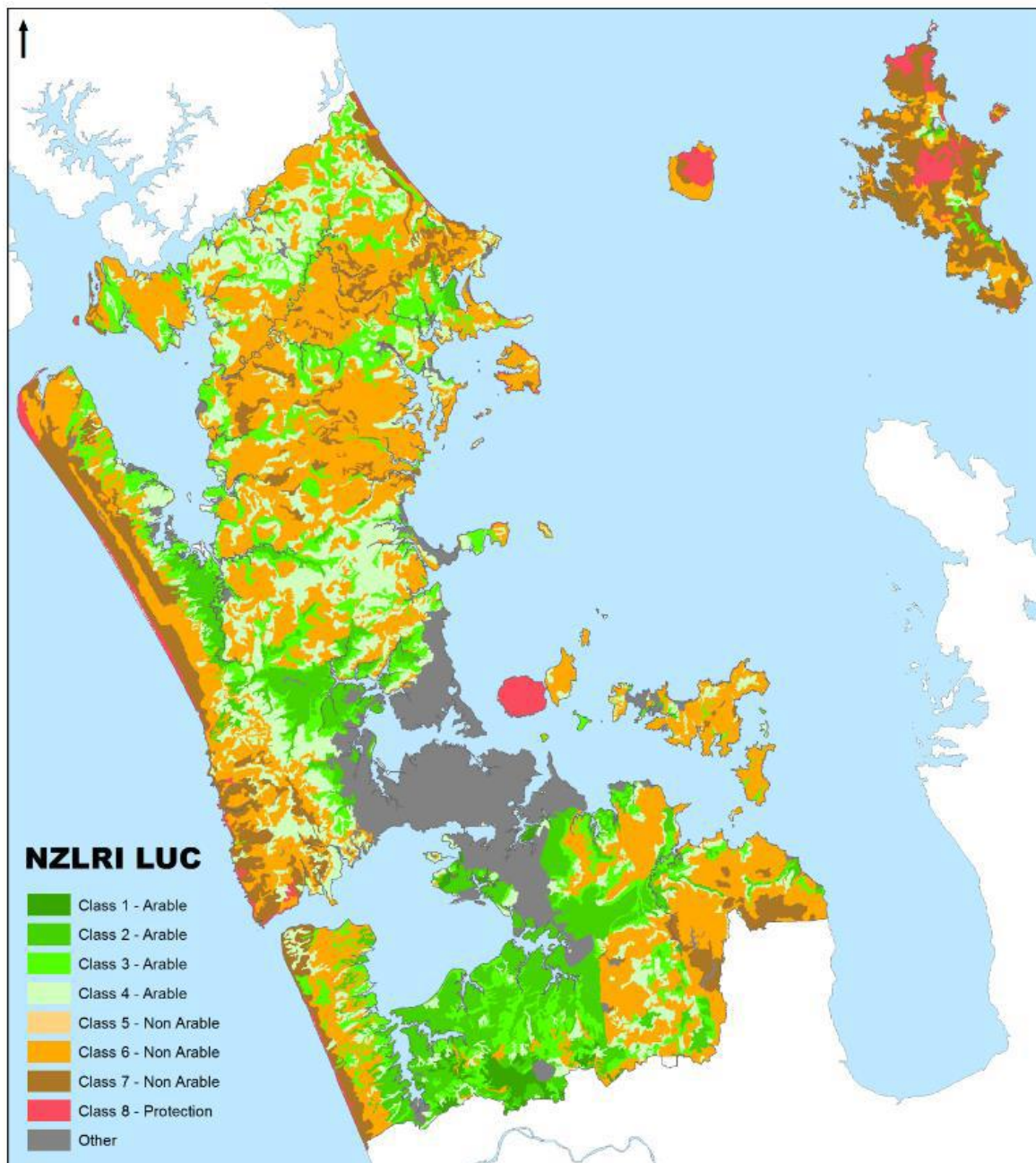
The issue of productive soils was not raised in any of the submissions.

## **6.0 Conclusions**

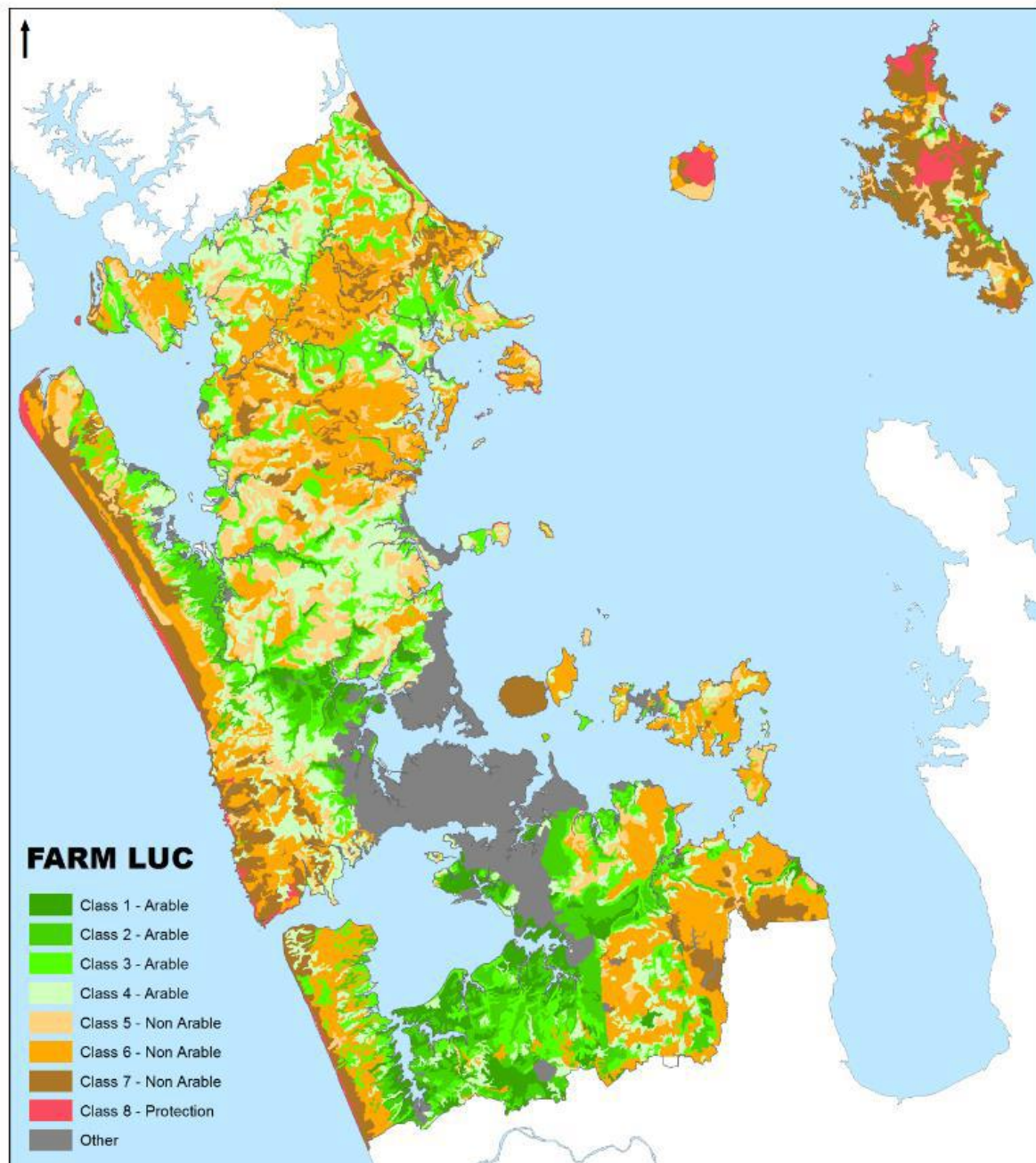
- I have visited the site and made observations (of both the soil and landforms) across the land in question and have been provided with sufficient background information.
- The methods used for the soil assessment and LUC classification in Appendix 9.2- Technical Report No 6- Soil Assessment Report are thorough and follow the accepted approach and guidelines used in New Zealand for soil and LUC assessment, and use soil information relevant to the subject area.
- In my opinion, the soil and LUC map provided by Dr Hicks (Appendix 9.1- Soil Map for the Clevedon Kawakawa Private Plan Change (PPC) Proposal) provides a detailed and accurate 'property scale' representation of the soil and LUC units in the subject area.
- I am in agreement with the areas Dr Hicks has classified as land containing elite, prime and other soil.
- I acknowledge that subdivision will result in the loss of land containing prime soil and will contribute to the ongoing fragmentation of productive land in the Auckland region. However, given the size and location of the land containing prime soil for the given site, and the reduced productive land use options for the land, I do not consider this loss a significant effect with regard to productive soils.
- I conclude that PC45 does give adequate effect to the AUP and the requirement to retain land containing prime soil.

<sup>25</sup> Curran-Cournane F, Cain T, Greenhalgh S, Samarasinghe O. 2016. Attitudes of a farming community towards urban growth and rural fragmentation- An Auckland case study. *Land Use Policy*. 58:241–250.

Appendix 1. Baseline NZLRI LUC classification according to the AUP Boundary (from Figure 1A).



Appendix 2: Baseline FARM LUC classification according to the AUP Boundary (from Figure 1B).





To Matthew Gouge, Senior Policy Planner, Auckland Council  
From Wes Edwards, Consultant for Auckland Council  
Date 9 June 2021  
Ref 101084  
Subject **Technical specialist report to contribute towards Council's section 42A hearing report  
Private Plan Change – PC45 (Clevedon-Kawakawa Road)  
Transport**

## 1.0 Introduction

- 1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council, in relation to transport effects.
- 1.2 I am a Transportation Advisor and Director of Arrive Limited, a specialist traffic and transport consulting practice. I hold a New Zealand Certificate in Civil Engineering, and a bachelor's degree in civil engineering. I am a Chartered Professional Engineer and an International Professional (APEC) Engineer. I am a Chartered Member of Engineering New Zealand, and a Member of the Institute of Transportation Engineers. I have completed the Ministry for the Environment *Making Good Decisions* programme.
- 1.3 I have 36 years of engineering experience with 29 of those years as a specialist traffic engineer. I have experience in traffic matters associated with resource management, including resource consents, plan changes and notices of requirement; experience in the design of traffic infrastructure and facilities such as roads and intersections; and in road safety engineering, structure planning, subdivision design, street design, and traffic modelling.
- 1.4 In writing this memo, I have reviewed the following documents:
- Statutory Assessment Report [SAR], Lands and Survey, 29 October 2019
  - SAR Appendix 3 – Subdivision Scheme Plan
  - SAR Appendix 7 - Transport Assessment, TPC 7 October 2019
  - Further Information Response Letter, Lands and Survey, 24 April 2020
  - Further Information Response Letter, TPC, 6 March 2020
  - Submissions and Further Submissions relating to transport

## 2.0 Key transport issues

- 2.1 The proposed change would rezone land using existing zones to provide for a low intensity of development with up to 12 dwellings. With respect to traffic the development enabled by the proposed change would result in a low volume of additional traffic.
- 2.2 Locating urban development away from existing centres in areas accessed by lower-quality rural roads and with poor access to public transport and local services is generally seen as contrary to sound transport planning practice in the Auckland Region; however, in this case the low number of low-density countryside living lots that would be enabled would have relatively minor impacts on the safe and efficient operation of the road network.



- 2.3 The primary transport issue of relevance to this proposed change is the provision of safe access between the land and the road.

### **3.0 Applicant's assessment**

#### **The transport environment**

- 3.1 Clevedon-Kawakawa Road is described as a two-lane arterial road with a 100km/h speed limit.
- 3.2 The applicant's transport assessment provides a reasonable description of the existing transport environment as it was at the time of writing in 2019. Updated data is provided below.
- 3.3 The further information provides some information on the expected future environment, and this is a reasonable description.
- 3.4 The transport assessment considers the proposed subdivision of the land as shown on the scheme plan appended to the request. As proposed the plan change would not require the land to be developed in accordance with the scheme plan, but it is useful for demonstrating one possible way in which the land might be developed.

#### **Trip generation and distribution**

- 3.5 The transport assessment provides an estimated trip generation of 99 vehicle movements per day and 9 movements per hour during peak periods, based on the 11 dwellings shown on the scheme plan, indicating trip generation rates of 9 movements per dwelling per day and 0.9 movements per dwelling per hour.
- 3.6 The plan change seeks to enable the provision of 12 dwellings on the land, presumably including the existing dwelling, so the estimated trip generation would be the increase in trip generation arising from the plan change.
- 3.7 The trip rates adopted are reasonable for use in a suburban setting. In rural settings more remote from services and amenities such as schools and shopping trip rates are typically lower. This is thought to be a result of school bus travel and residents tending to combine multiple purposes into one trip, such as shopping for groceries on the way home from work. As a result, the estimated trip generation is conservatively high.

#### **Access**

- 3.8 The transport assessment provides a description of the access arrangements shown on the scheme plan, including a description of the driveway widths and gradients, pedestrian and cycle access, and sight distance.
- 3.9 The transport assessment states the sight distance available at the proposed driveway location does not meet the requirements of a New Zealand guideline, but that it meets some sight distance standards of Australasian guidelines, and considers the proposed access location has suitable sight distance.
- 3.10 The further information provides additional data around sight distance and reiterates the view the available sight distances are considered acceptable.
- 3.11 The transport assessment is based on an outdated New Zealand guideline and incorrect use of current Australasian guidelines, and does not provide an adequate assessment of sight distance at the proposed location. The matter of sight distance is addressed further below.



## Effects on transport network

- 3.12 The further transport information includes an assessment of the effects of the proposal on the road network, stating the proposal would result in the utilisation ratio (demand: capacity) of Clevedon-Kawakawa Road increasing from 19.4% to 20.1%. The author considers this increase to be negligible and I concur with that assessment with respect to the effect on the efficiency of the road network.
- 3.13 The effect of the proposal on the safety of the road network is not assessed in the transport information, other than at the site access, and this is discussed below.

## 4.0 Assessment of transport effects and management methods

### Transport environment

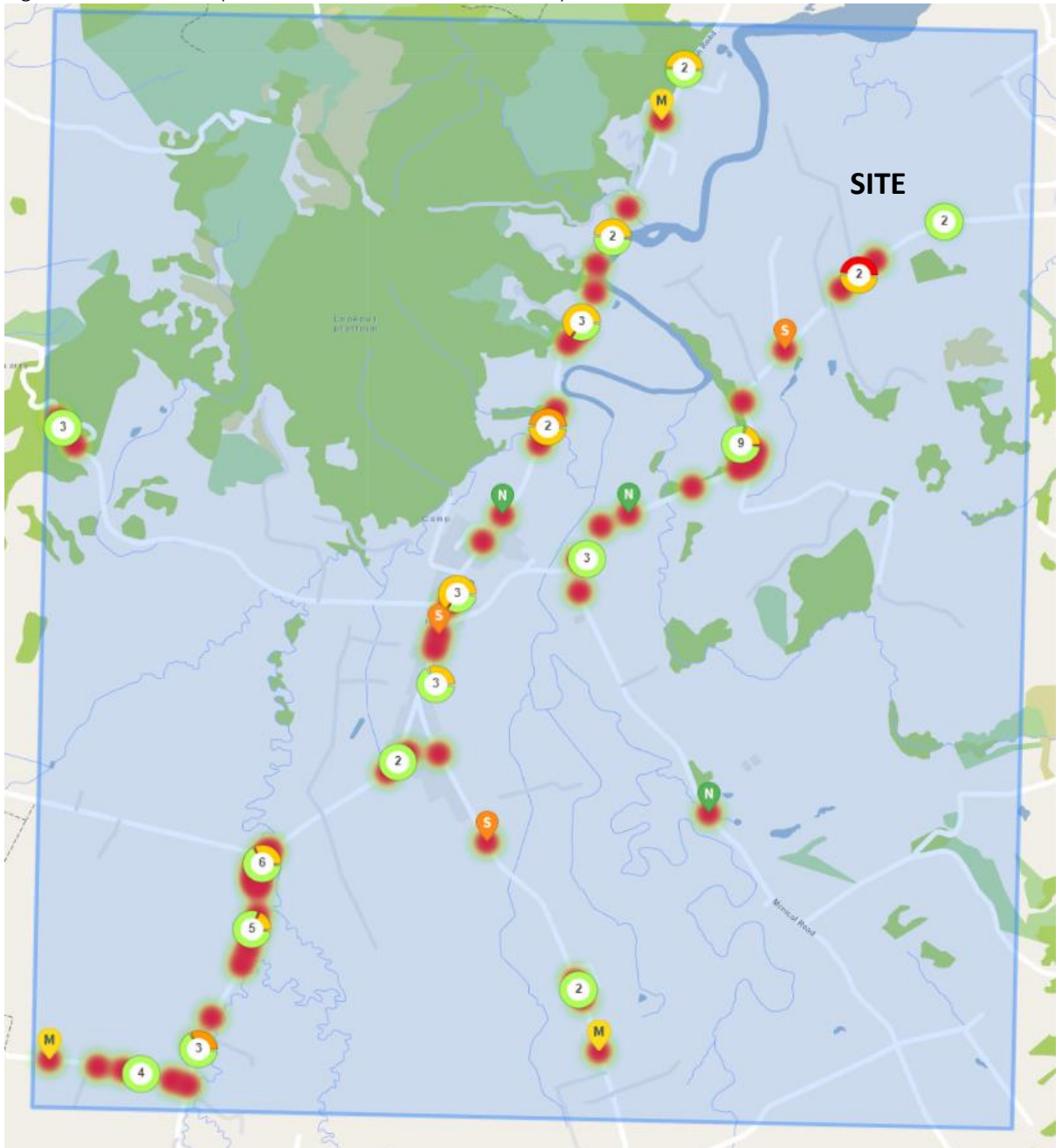
- 4.1 Clevedon-Kawakawa Road is classified as an Arterial Road in the Auckland Unitary Plan. It has a One Network Road Classification [ONRC] of Arterial. It has a 100km/h speed limit outside Clevedon village.
- 4.2 Auckland Transport has undertaken one more traffic count since the transport assessment was published, as set out in the table below for the week commencing 9 November 2019. As noted in the transport assessment traffic volumes in summer are significantly higher, presumably because of people accessing the coast to the east.

Table 1: Traffic count on Clevedon-Kawakawa Road west of Eyres Road, both directions, November 2019

5-day average	Daily Volume			Hourly Volume			Proportion Heavy Commercial Vehicles
	7-day average	Saturday	Sunday	AM Peak	Between Peaks	PM Peak	
3043	3058	3340	2856	259	374	309	8%

- 4.3 The classification of roads is based on several factors, including traffic volume, the strategic value of the road, and roadside development. Applying the ONRC decision tree Clevedon-Kawakawa Road would be classified as an Arterial as it carries more than 3,000 vehicles per day, and provides the only access to Kawakawa Bay and other areas apart from the coastal road through Miranda.
- 4.4 Roads in New Zealand are classified according to risk in two different classifications. The first classification is Collective Risk where roads with more crashes are classified as higher risk. Clevedon-Kawakawa Road has a “Medium” collective risk.
- 4.5 The second classification is Personal Risk where roads with more crashes per kilometre travelled are classified as higher risk. Clevedon-Kawakawa Road has a “Medium” personal risk.
- 4.6 A search of the official crash record for the most recent standard 5-year reporting period of 2016-2020 shows several crashes have been reported in the broader area, as shown on the following map.

Figure 1: Location of reported crashes 2016-20 with severity – Wider area



The location of reported crashes is shown by a red dot. The overlay of a marker or a pie chart indicates the severity of the worst injury in each crash. Red: Fatal, Orange: Serious, Yellow: Minor, Green: No Injury.

4.7 The following map shows the section of Clevedon-Kawakawa Road between the site and Clevedon.

Figure 2: Location of reported crashes 2016-20 with severity – between site and Clevedon township.



The location of reported crashes is shown by a red dot. The overlay of a marker or a pie chart indicates the severity of the worst injury in each crash. Red: Fatal, Orange: Serious, Yellow: Minor, Green: No Injury.

4.8 Four crashes have occurred close to the site, and these include:

- a) A non-injury crash occurred a short distance east of the site in 2016 when a westbound car struck an oncoming truck (dry road, dark);
- b) A non-injury crash occurred a short distance east of the site in 2017 when the driver a westbound car lost control and left the road (dry road, dark);
- c) A crash with two fatalities occurred along the frontage of the site in 2020 when the driver of an eastbound car lost control and left the road (dry road, bright sun);
- d) A crash with 1 minor injury occurred just west of the site in 2016 when an eastbound car hit another eastbound vehicle while overtaking (dry road, bright sun).

4.9 Another 12 crashes occurred between the site and Clevedon township, including one crash involving serious injury and two crashes involving minor injury. Most of the crashes were loss-of control crashes, and several were located on bends, which is a common pattern on rural roads.

- 4.10 The 3.4km length of road had five injury crashes over five years, a rate of 1.0 injury crashes per year, and 0.4 fatal and serious injury (FSI) crashes per year<sup>1</sup>.
- 4.11 The typical number of injury crashes per year on similar roads with the same volume of traffic over the same length is 0.72 injury crashes per year and 0.19 fatal and serious injury crashes per year. That length of Clevedon-Kawakawa Road therefore has a relatively poor safety record when compared with similar roads.

### **Location**

- 4.12 The land is located remote from the regional road network and from services and amenities. There is no access to public transport. People living in the new dwellings would be heavily reliant upon private vehicle travel, resulting in an increase in travel along the rural roads linking the site to the wider area and services. This matter is discussed further when considering regional policy below.

### **Access**

- 4.13 When considering the rezoning of land, it is important that it is feasible for the land to be developed. That depends on ensuring that there is at least one practical means of providing safe access to the land.
- 4.14 The transport assessment provided has considered one location for the site access, as proposed on the scheme plan, and has acknowledged that the sight distances available at that location are constrained.

### Sight Distance Standards

- 4.15 As background, the best-practice industry approach to road safety has moved to endorse the Vision Zero approach where compromises on road safety should be avoided and the safest available option should be adopted. It is acknowledged that this approach is not mandated for development of private land.
- 4.16 It may be useful to provide a brief description of sight distance parameters. Road design guidelines generally specify minimum sight distances to be provided at locations like intersections. The purpose is to ensure that drivers of vehicles travelling along a road have an adequate view of vehicles turning at an intersection ahead, so they have time to react and come to a stop before colliding. The minimum distance depends mainly on the speed of the vehicle.
- 4.17 The guidelines adopted as the de-facto standard in New Zealand are the Austroads Guidelines for Road Design. These guidelines set out a normal minimum standard and a lower “Extended Design Domain” standard that can be applied in constrained existing situations.
- 4.18 The Austroads guidelines provide a few sight distance standards for use in different circumstances, including two standards referred to in the further information:
- a) Safe Stopping Distance [SSD]. The distance required to react to an object in the road and come to a stop, used away from intersections.
  - b) Minimum Gap Sight Distance [MGSD]. The distance required for a driver exiting a side road or driveway to observe a gap in the approaching traffic.

<sup>1</sup> Estimated using the procedures in the NZ Transport Agency Crash Estimation Compendium, 2018.

- 4.19 The relevant standard for use at intersections is Safe Intersection Sight Distance [SISD]. This is SSD plus an allowance for observation time to work out what the vehicle at the intersection ahead is doing. It is significantly longer than SSD.
- 4.20 In 1993 the NZ Land Transport Safety Authority published the “RTS 6 Guidelines for visibility at driveways” based on the road design guidelines of the time, adopting the normal minimum SISD distances for busier driveways on busier roads, and a lower standard for less busy driveways on less busy roads based on SSD. The Austroads guidelines have been updated a few times since 1993, generally increasing the minimum sight distances because of research into driver reaction times.

Minimum Sight Distances

- 4.21 Using the vehicle operating speeds provided in the transport assessment (95km/h eastbound and 94km/h westbound), and the estimated gradient of the road, the Austroads minimum distances are summarised in the following table.

Standard	To the east	To the west
Safe Intersection Sight Distance – Normal	222m	239m
Safe Intersection Sight Distance – EDD	164m	175m
Safe Stopping Distance – Normal	144m	160m
Safe Stopping Distance – EDD	125m	135m

- 4.22 The 1993 NZ guideline would classify the proposed access as a Low-Volume driveway. On an Arterial Road the guideline requires SISD to be provided at all driveways, but would allow the shorter SSD standard to be used for low-volume on lower-order roads.

Available Sight Distance

- 4.23 The sight distances available at the access location shown on the scheme plan, as stated in the information provided are:
  - a) 220m (measured) to the east from the driveway
  - b) 220m (measured) to the west from the driveway
  - c) 210m (estimated) to the east from the roadside opposite the driveway
- 4.24 It is also important that vehicles approaching from the west can see a vehicle waiting to turn right into the driveway. That sightline is not stated in the information, and I estimate that distance to be 196m.
- 4.25 The available sight distance does not meet the normal minimum SISD standard. It does meet the reduced EDD SISD standard, indicating the available distances are between the desirable minimum and absolute minimum standards.
- 4.26 It is noted that superior sight distances are available a short distance further west where existing driveways are located, and this location would provide a safer outcome. The selection of an appropriate access location can be dealt with at the time of subdivision. With respect to the rezoning, it is considered sufficient for there to be at least one suitable location to be available.

**Effects on transport environment**

- 4.27 Clevedon-Kawakawa Road currently carries just over 3,000 vehicles per day, with the plan change enabling an increase of around 99 vehicles per day, an increase of 3.2%. This is a modest increase in traffic volume, and there is sufficient capacity in the road network in the area to accommodate the growth with a negligible impact on efficiency of movement.

- 4.28 Rural roads with lower traffic volumes tend to be narrower and have a higher risk of crashes per vehicle kilometre travelled than busier higher-quality roads; however, this is offset by the lower traffic volume, resulting in a relatively low collective risk to the community.
- 4.29 The risk of crashes on such roads increases linearly with the volume of traffic. As a result, it is expected the number of crashes along Clevedon-Kawakawa Road between the site and Clevedon would increase by around 3% if the plan change is approved.

## 5.0 Transport Policy

### National policy statements

- 5.1 The National Policy Statement on Urban Development 2020 [NPS-UD] obliges Council to take several matters into account when deciding to zone land. Council is required to provide sufficient development capacity for business and housing, and that development capacity must be “infrastructure ready”.
- 5.2 The NPS has requirements for short term (3 years), medium term (3 to 10 years), and long term (10 to 30 years).
- 5.3 With respect to the short term, development capacity is infrastructure-ready if there is adequate existing development infrastructure. The existing transport infrastructure in the area is adequate to accommodate development of the land, and this is also sufficient to meet the medium-term and long-term NPS requirements.

### Auckland Council Regional Policy Statement

- 5.4 The Auckland Council Regional Policy Statement [ACRPS] Transport chapter sets out several policies and methods.
- 5.5 Method 4.4.2.1(i)(a) seeks to integrate land use and transport planning by plan provisions that enable development to be serviced efficiently by public transport, walking and cycling.
- 5.6 The plan change area is not, and cannot be, serviced efficiently by public transport, walking and cycling.

## 6.0 Submissions

- 6.1 As set out in the Summary of Decisions Requested, Submission 2 from Carol and Paul Gibbard requests:

*Please consider the extra traffic, the floodplains and our privacy when making your decision in regards to this proposal.*

- 6.2 Submission 11 from Bernise Emily Milliken states:

*We are not opposed to the inevitable Urban spread that is happening within our area or the wider Auckland catchment generally, we in fact embrace it. In this instance however, our opinion is that a smaller number of building sites within the Stratford Properties development would be far more sympathetic to close neighbours, ourselves, the roading system and the environment and be much more in keeping with the surrounding area.*

- 6.3 These concerns appear to be general in nature and do not identify specific concerns about parts of the transport network or particular issues on the network, so they are interpreted as being concerns about the general impact of development on the safety and efficiency of the network.

- 6.4 As set out earlier, development of the land is expected to result in an increase in traffic volumes and crashes of around 3.3%. While the regional road network experiences congestion during peak periods, this does not appear to be a significant concern near the site, and the nearby road network has sufficient reserve capacity to accommodate the growth without causing significant effects on the efficiency road network.
- 6.5 The additional traffic from development of the land would contribute to an increase in crashes along Clevedon-Kawakawa Road and, in the absence of any improvements to the road, this increase is expected to be around 3.3%. While that is an adverse effect it is considered to be minor.

## **7.0 Conclusions and recommendations**

- 7.1 The applicant has adequately assessed the effects on the transport environment, except for effects on road safety along Clevedon-Kawakawa Road, and the assessment of sight distance at a possible access location.
- 7.2 The sight distances available at the proposed access location are less than desired; however, an alternate access location with superior sight distances is available, leading to the conclusion that it is practical to access the land for development in a safe and efficient manner and the assessment of the most appropriate access location can be determined as part of any resource consent for subdivision.
- 7.3 The effect of the proposed rezoning on the safe operation of the road network is minor.
- 7.4 The plan change is consistent with the National Policy Statement on Urban Development with respect to transport infrastructure.
- 7.5 The plan change is not consistent with the Regional Policy Statement. Given the low number of dwellings proposed the effect of this inconsistency is minor.
- 7.6 It is recommended that the plan change be supported. No transport-related modifications are necessary.





## **APPENDIX SIX**

### **COUNCIL DECISION TO ACCEPT PLAN CHANGE 45**



9 July 2020

Tim Grace  
Lands and Survey (Auckland) Limited  
PO Box 33 917  
Takapuna  
Auckland 0740

Issued by email: [tim@landsandsurvey.co.nz](mailto:tim@landsandsurvey.co.nz)

**Clevedon Kawakawa Road Private plan change request: CI 25 decision to accept, CI 5 & 5A decision on notification**

Dear Tim,

**Decisions**

1. Auckland Council decided on 6 July 2020 to accept the private plan change under Clause 25 to Schedule 1 of the Resource Management Act 1991 for the reasons set out at the end of this letter.
2. Council decided on to give limited notification of your private plan change request pursuant to Clause 5(A)(2) to Schedule 1 of the Resource Management Act 1991.

**Next steps**

Council is required to notify the plan change within four months of its acceptance. Council notifies plan changes on the last Thursday of each month.

I am organising the notification of your plan change.

Please contact me if you have any questions, either by telephone at 09 89 4368 or by email at [Sanjay.Bangs@aucklandcouncil.govt.nz](mailto:Sanjay.Bangs@aucklandcouncil.govt.nz).

Yours faithfully



Sanjay Bangs  
**Planner**

## Reasons

Council is required to decide<sup>1</sup> whether a private plan change request is adopted, accepted, rejected, or dealt with as if it were an application for a resource consent. A decision has been made to accept the private plan change request for the following reasons:

- a. The applicant's section 32 evaluation report considers different options, including rezoning the entirety of 272, 274 and 278 Clevedon-Kawakawa Road, Clevedon as Rural – Countryside Living Zone, and a status quo approach whereby the proposed development would be pursued through a resource consent application. This report considers that the option put forward in the plan change proposal is the most appropriate to achieve the purpose of the Resource Management Act 1991.
- b. Accepting the private plan change request enables the matters raised by the applicant to be considered on their merits, during a public participatory planning process.
- c. It is inappropriate to adopt the private plan change. The private plan change proposal is not a matter under consideration in council's policy work programme. The private plan change does not address a gap in the Auckland Unitary Plan (Operative in Part) 2016, introduce a new policy direction, nor does the private plan change have broad application by seeking to change provisions that apply across the region. The proposed rezoning and precinct amendments relate only to a geographically discrete area and does not include provisions that fundamentally differ from the policy direction of the Auckland Unitary Plan (Operative in Part) 2016.
- d. The grounds to reject a private plan change request under clause 25(4) are limited and no ground is met by this private plan change.
  - i. The request is not frivolous. The applicant provided supporting technical information and the private plan change has a resource management purpose of enabling a more efficient use of the land and more effectively avoiding, remedying or mitigating the adverse effects on surrounding land. The request is not vexatious. The applicant is not acting in bad faith by lodging a private plan change request. The applicant is not requiring council to consider matters in this process that have already been decided or the subject of extensive community engagement or investment.
  - ii. The substance of the request has not been considered within the last two years.
  - iii. The coarse-grain assessment of the request does not indicate that the private plan change is not in accordance with sound resource management practice. Whether the private plan change request's objectives are the most appropriate way of achieving the promotion of sustainable management will be tested through the submission and hearing processes.
  - iv. The provisions of the Auckland Unitary Plan (Operative in Part) 2016 subject to the private plan change request have been operative for at least two years.
- e. It is not appropriate to deal with the private plan change as if it was resource consent application because the development scenario sought to be enabled by the plan change, being the establishment of 11 countryside living lots, is inconsistent with the objectives and policies of the Rural – Rural Coastal Zone and Tāmaki Firth Coastal Area.
- f. The applicant requested that council accept the private plan change request.

<sup>1</sup> pursuant to clause 25, Schedule 1, of the Resource Management Act 1991

**APPENDIX SEVEN**  
**SITE VISIT PHOTOS**



**Appendix 7 - Site Visit Photos**  
**23 February and 12 May 2021**



*Figure 1: From south side of Clevedon-Kawakawa Road (outside #303) looking northwest towards knoll on subject site.*





*Figure 2: From Clevedon-Kawakawa Road (approximately next to #274) looking north across knoll towards Wairoa River*





*Figure 3 View from part of 278 Clevedon-Kawakawa Road subject to the plan change request, looking south towards the property at 274 Clevedon-Kawakawa Road and Clevedon-Kawakawa Road. The property at 285 Clevedon-Kawakawa Road can be seen in the distance on the hill.*



*Figure 4 View from part of 278 Clevedon-Kawakawa Road subject to the plan change request, looking south-east towards the property at 294 Clevedon-Kawakawa Road and Clevedon-Kawakawa Road. The property at 285 Clevedon-Kawakawa Road can be seen in the distance on the hill.*





*Figure 5 View from the southern part of 278 Clevedon-Kawakawa Road, looking towards area subject to PC45 outside of the floodplain (cars are parked on the raised area).*



*Figure 6 View from the centre of 278 Clevedon-Kawakawa Road looking west towards the raised area of land subject to PC45. The buildings at 274 Clevedon-Kawakawa Road can be seen in the distance on the left.*





*Figure 7 View from mid-way along the eastern boundary of 278 Clevedon-Kawakawa Road looking south towards farm buildings and dwelling with red roof at 300 Clevedon-Kawakawa Road.*



*Figure 8 View south towards Clevedon-Kawakawa Road, buildings at 294 Clevedon-Kawakawa Road on the left of the image, dwelling at 274 Clevedon-Kawakawa Road in distant right. Area where cows are is subject to floodplain, with raised areas where lots are proposed shown on far right of image and between 274 and 294 Clevedon-Kawakawa Road (indicated).*





Figure 9: Cluster development at 252 Clevedon-Kawakawa Road (adjacent to the west of the subject site)



*Figure 10: Built from on 252 Clevedon - Kawakawa Road (adjacent and to west of subject site)*





*Figure 11: From Clevedon-Kawakawa Road looking south to surrounding area and to the property at 285 Clevedon-Kawakawa Road*



*Figure 12: From subject site looking southeast to surrounding area*





*Figure 13: From 262 Clevedon-Kawakawa Road looking west towards Clevedon Village*



## **APPENDIX EIGHT**

### **ENVIRONMENT COURT DECISIONS**



IN THE ENVIRONMENT COURT  
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU

Decision No. [2021] NZEnvC 032

IN THE MATTER OF

the Local Government (Auckland  
Transitional Provisions) Act 2010  
(LGATPA), and the Resource  
Management Act 1991, and the rural  
subdivision provisions of the in part  
proposed and in part Operative  
Auckland Unitary Plan, and appeals  
pursuant to s 156 of the LGATPA

BETWEEN

CABRA RURAL DEVELOPMENTS  
LIMITED

FOREST HABITATS LIMITED

KAREPIRO INVESTMENTS  
LIMITED

MONOWAI PROPERTIES LIMITED

RAHOPARA FARMS LIMITED

RAUHORI FORESTS LIMITED

SH 16 LIMITED

(ENV-2016-AKL-000189)

AND

OTHER APPELLANTS  
(Annexure A)

Appellants

AND

AUCKLAND COUNCIL

Respondent

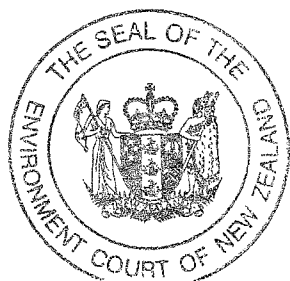
Court: Environment Judge J A Smith

Hearing: On the papers at Auckland

Last case event: 8 March 2021

Date of Decision: 16 March 2021

Cabra Rural Developments Limited & Ors v Auckland Council Decision 20210311



Date of Issue:

16 MAR 2021

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## DECISION OF THE ENVIRONMENT COURT

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- A:** The wording of Annexure C is adopted.
- B:** There is no order as to costs.
- C:** Auckland Council is to alter its plan accordingly as soon as possible.

### REASONS

#### Introduction

[1] This is a final decision of the Environment Court as to the final wording of the rural subdivision provisions in the Auckland Unitary Plan Operative in part (AUP).

#### Background

[2] This matter was originally decided by the Court in relation to opportunities for the subdivision or development in the rural areas in June 2018.<sup>1</sup>

[3] The matter was subsequently appealed to the High Court and a decision issued on 6 August 2019.<sup>2</sup>

[4] Thereafter there were attempts at resolving the differences between the parties, but the matter was remitted again to this Court for hearing on issues still in dispute between the parties and a further decision, issued on 16 September 2020.<sup>3</sup>

[5] There were further attempts at resolution between the parties, in accordance with directions made by the Court. It was revealed that there was continuing dispute between the parties as to the wording of several provisions. The Court received submissions and considered each dispute in turn. On 17 February 2021, the

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<sup>1</sup> *Cabra Rural Developments and ors v Auckland Council* [2018] NZEnvC 90.

<sup>2</sup> *Auckland Council v Cabra Rural Developments Ltd* [2019] NZHC 1892.

<sup>3</sup> *Cabra Rural Developments and ors v Auckland Council* [2020] NZEnvC 153.



Environment Court issued a final Decision as to the provisions to be included with in the AUP in relation to rural subdivision.<sup>4</sup> The Council was directed to file a final copy of the provisions as amended by the Court for approval.

### **Amended provisions**

[6] The Council filed a Memorandum submitting the amended provisions. The amendments relate to aspects of Tables E39.6.4.41 and E39.6.4.5.1, the explanatory note under Table E39.6.4.4.1, additional Rules E39.6.4.4(2B) and Rule E39.6.4.5(1)(c).

[7] Annexure **B** sets out the matters covered by these appeals, with amendments to the various provisions. Annexure **B** uses colour-coded text. The key in the colour-coded document indicates that:

- (a) The black text denotes the provisions endorsed by the Environment Court in its decision of 12 June 2018, which was not at issue in the June 2020 Environment Court hearing and provisions in the relevant chapters of the AUP that were not subject to appeal;
- (b) Green text denotes the revised provisions following the Environment Court's 2020 Decision which were agreed by the parties (with the exception of aspects of Table E39.6.4.4.1, Table E39.6.4.5.1 and Rule E39.6.4.5(1)(c));
- (c) Purple text denotes the Zakara Investments Limited (**Zakara**) provisions agreed by the Council and Zakara following the Environment Court's 2020 Decision; and
- (d) Blue text denotes the revised provisions following the Environment Court's 2021 Decision.

[8] Annexure **C** is a clean version of the provisions.

[9] Annexure **D** is a copy of the map that is referred to in the attached rural

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<sup>4</sup> *Cabra Rural Developments and ors v Auckland Council* [2021] NZEnvC 010.

subdivision provisions as Map [X]. Map [ X] relates to the site-specific subdivision provisions for Zakara's land on Kawau Island. It depicts the extent of the indigenous vegetation and freshwater wetland that the Council's and Zakara's ecologists recognised as Significant Ecological Areas on that land and forms the basis for the site specific in-situ and Transferrable Rural Site Subdivision rural subdivision rules (A17A), (A17B), (A21A) and (A21B) in Table E39.4.1 for Zakara.

[10] The intention is that once the approved provisions are received from the Court, the map referred to as Map [X] will be named in a way that is consistent with other maps in the AUP and will be incorporated either into the Chapter 39 rural subdivision provisions or the AUP GIS layers.

[11] The Court is satisfied that the rural subdivision provisions address the matters in the decision of the Court dated 17 February 2021 and otherwise meet the purpose of the RMA and the relevant Policy Statements / documents as set out in the various Decisions.

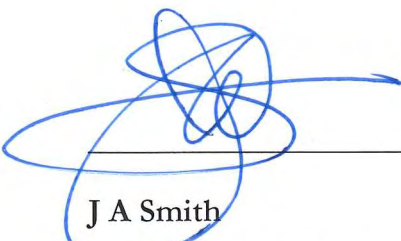
### Outcome

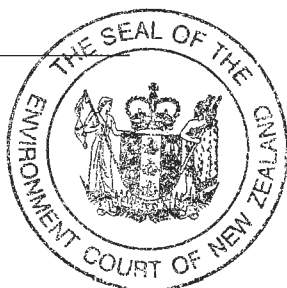
[12] The final rural subdivision provisions are attached to this Decision. Annexure **B** is a colour-coded copy of the provisions with new text shown as underlined and deleted text as strikethrough. Annexure **C** is a clean version of the provisions. Annexure **D** is a copy of the map that is referred to in the attached rural subdivision provisions as Map [X].

[13] Auckland Council is to alter its plan accordingly as soon as possible.

[14] The Court confirms that there is no order as to costs.

For the Court:

  
J A Smith  
Environment Judge



**Annexure A – Other Appellants**

CATO BOLAM CONSULTANTS LIMITED  
(ENV-2016-AKL-000206)

DAVID MASON  
BETTER LIVING LANDSCAPES LIMITED  
FLUKER SURVEYORS LIMITED  
PARALLAX SURVEYORS LIMITED  
SAYES IN TRUST LIMITED  
(ENV-2016-AKL-000207)

SMITHIES FAMILY TRUST  
(ENV-2016-AKL-000212)

ZAKARA INVESTMENTS LIMITED  
(ENV-2016-AKL-000216)

RADIATA PROPERTIES LIMITED  
(ENV-2016-AKL-000234)

TERRA NOVA PLANNING LIMITED  
(ENV-2016-AKL-000248)

**Annexure B**

## AUCKLAND COUNCIL RURAL SUBDIVISION PROVISIONS - FINAL

### Key

<b>Black text</b>	Environment Court 2018 decision provisions and provisions not subject to appeal
<b>Green text</b>	Revised provisions following EC Decision No. [2020] NZEnvC 153
<b>Purple text</b>	Agreed Zakara provisions following EC Decision No. [2020] NZEnvC 153
<b>Blue text</b>	Revised provisions following EC Decision No. [2021] NZEnvC 010

New text is shown as underlined and deleted text as ~~striketrough~~

### **B9. Toitū te tuawhenua - Rural environment**

#### ***Me tupu te ora ki te tuawhenua***

Grow your livelihood inland

#### **B9.1. Issues**

The Auckland region is not just the location of New Zealand's largest city. Most of the Auckland region's land is rural and contains extensive, productive and valuable areas used for farming (agriculture, horticulture and grazing), rural service industries, forestry and rural recreation. The rural parts of Auckland also contain important natural resources, including native bush, significant ecological areas and outstanding natural landscapes. The contributions made by rural areas and rural communities to the well-being of the region must be acknowledged and enabled.

The outward expansion of urban areas and people's lifestyle choices and recreational activities place significant pressures on maintaining the amenity values and the quality of the environment in rural areas. Specific issues in the Auckland region are:

- protecting the finite resource of elite quality soils from urban expansion;
- managing subdivision to prevent undue fragmentation of large sites in ways that restrict rural production activities;
- addressing reverse sensitivity effects which rural-residential development can have on rural production activities; and

- managing the opportunities for countryside living in rural areas in ways that provide for rural-residential development in close proximity to urban areas and the larger rural and coastal towns and villages while minimising the loss of rural production land.

...

## **B9.4. Rural subdivision**

### **B9.4.1. Objectives**

- (1) Subdivision does not undermine the productive potential of land containing elite soils.
- (2) Subdivision of rural land avoids, remedies or mitigates adverse effects on the character, amenity, natural character, landscape and biodiversity values of rural areas (including within the coastal environment), and provides resilience to effects of natural hazards.
- (3) Land subdivision protects and enhances significant indigenous biodiversity and degraded land.

### **B9.4.2. Policies**

- (1) Enable the permanent protection and enhancement of areas of significant indigenous biodiversity and rehabilitation of degraded land through subdivision.
- (2) Enable subdivision for the following purposes...
- (3) Provide for and encourage the transfer of the residential development potential of rural sites ~~from one place to another~~, to Countryside Living zones to reduce the impact of fragmentation of rural land from in-situ subdivision on rural land, as well as the rearrangement of site and for title boundaries to be amalgamated to:
  - (a) promote the productivity of rural land;
  - (b) manage the adverse effects of population growth across all rural areas;
  - (c) improve environmental outcomes associated with the protection of identified areas of high natural values;
  - (d) improve the management of reverse sensitivity conflicts; and
  - (e) avoid unplanned demand for infrastructure in remote areas, or across areas of scattered development.
- (4) Provide for new rural lifestyle subdivision in locations and at scales and densities so as to:
  - (a) avoid areas that would undermine the integrity of the Rural Urban Boundary or compromise the expansion of the satellite towns of Warkworth and Pukekohe, and rural and coastal towns and villages;
  - (b) protect areas where natural and physical resources have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character;

- (c) avoid land containing elite soil;
  - (d) avoid where practicable land containing prime soil;
  - (e) avoid areas that would constrain the operation of existing mineral extraction activities or areas containing mineral resources identified in the plan for future extraction;
  - (f) maintain or enhance landscape, rural and, where relevant, coastal, character and amenity values;
  - (g) avoid the potential for reverse sensitivity effects that could hinder the continued operation or growth of existing rural activities, or the establishment of new rural activities; and
- (5) Encourage the amalgamation and transfer of rural sites to areas that can best support them. the Countryside Living zone.

#### **B9.5. Principal reasons for adoption**

The purpose of sustainable management includes safeguarding the life-supporting capacity of natural resources now and in the future. This includes protecting the productive potential of the land to provide for present and future generations as well as indigenous biodiversity. It is also to maintain or enhance the character of rural areas for their contribution to regional amenity values, particularly the landscape and natural character.

...

The subdivision policies also enable and encourage the transfer of the residential development potential of new and existing sites one place to another, and for title boundaries to be adjusted or relocated to locations where they will more usefully enable rural development potential to be realised sites in productive rural zones to Countryside Living Zones, and for title boundaries to be amalgamated and a residential development right to be realised in Countryside Living Zones.



## RURAL SUBDIVISION PROVISIONS

### Key

<b>Black text</b>	Environment Court 2018 decision provisions and provisions not subject to appeal
<b>Green text</b>	Revised provisions following EC Decision No. [2020] NZEnvC 153
<b>Purple text</b>	Agreed Zakara provisions following EC Decision No. [2020] NZEnvC 153
<b>Blue text</b>	Revised provisions following EC Decision No. [2021] NZEnvC 010

New text is shown as underlined and deleted text as ~~strikethrough~~

### **E15. Vegetation management and biodiversity**

#### **E15.1. Background**

Vegetation contributes to a range of ecosystem services ....

#### **E15.3. Policies [rcp/rp/dp]**

- (1) Protect areas ...
- (2) Manage the effects ...
- (3) Encourage the offsetting ...
- (4) Protect, restore, and enhance biodiversity when undertaking new use and development through any of the following:
  - (a) using transferable rural site subdivision to protect areas that meet one or more of the factors referred to in B7.2.2(1) and in Schedule 3 Significant Ecological Areas -Terrestrial Schedule or shown on Map [X];
  - (b) requiring legal protection, ecological restoration and active management techniques in areas set aside for the purposes of mitigating or offsetting adverse effects on indigenous biodiversity; or
  - (c) linking biodiversity outcomes to other aspects of the development such as the provision of infrastructure and open space.

(5) Enable activities which ...

...

## RURAL SUBDIVISION PROVISIONS

### Key

<b>Black text</b>	<b>Environment Court 2018 decision provisions and provisions not subject to appeal</b>
<b>Green text</b>	<b>Revised provisions following EC Decision No. [2020] NZEnvC 153</b>
<b>Purple text</b>	<b>Agreed Zakara provisions following EC Decision No. [2020] NZEnvC 153</b>
<b>Blue text</b>	<b>Revised provisions following EC Decision No. [2021] NZEnvC 010</b>

New text is shown as underlined and deleted text as ~~strikethrough~~

### **E39. Subdivision - Rural**

#### **E39.1. Introduction**

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in the following zones:

- Rural - Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, Rural - Rural Conservation Zone and Rural - Countryside Living Zone;
- Rural - Waitakere Foothills Zone and Rural - Waitakere Ranges Zone;
- Future Urban Zone; and
- Special Purpose - Quarry Zone.

For subdivision provisions in all other zones refer to E38 Subdivision - Urban.

#### **E39.2. Objectives**

- (1) Land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions.

- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades, reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (9) The productive potential of rural land is enhanced through the amalgamation of smaller existing land holdings sites, particularly for sites identified in Appendix 14 Land amalgamation incentivised area, and the transfer of titles to certain Rural - Countryside Living Zone areas.
- (10) Fragmentation of rural production land by:
  - (a) subdivision of land containing elite soil is avoided; ~~and~~
  - (b) subdivision of land containing prime soil is avoided where practicable; and
  - (c) subdivision of land avoids inappropriate rural lifestyle lots dispersed throughout the rural and coastal areas.
- (11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.
- (12) Rural lifestyle subdivision is primarily limited to the Rural - Countryside Living Zone, and to sites created by protecting, restoring or creating significant areas of indigenous vegetation or wetlands.
- (13) Subdivision of any minor dwellings and workers' accommodation from the parent site is avoided.
- (14) Subdivision is provided for, by either:
  - (a) Limited in-situ subdivision through the protection and enhancement of significant indigenous vegetation or wetlands and/or indigenous revegetation planting; or
  - (b) ~~by~~ Transfer of titles to the Rural-Countryside Living Zone, through the protection ~~or~~ and enhancement of indigenous vegetation and wetlands and/or through ~~restorative~~ or indigenous revegetation planting.

- (15) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.
- (16) Rural subdivision avoids or minimises adverse effects in areas identified in the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscape Overlay and Significant Ecological Areas Overlay.
- (17) Subdivision:
  - (a) outside of urban and serviced areas avoids adverse effects to people, property, infrastructure and the environment from natural hazards;
  - (b) avoids where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
  - (c) maintains the function of flood plains and overland flow paths to safely convey flood waters while taking into account the likely long term effects of climate change;

### **E39.3. Policies**

- (1) Provide for subdivision which supports the policies of the zones.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in E36 Natural hazards and flooding, and to provide safe and stable building platforms and vehicle access.
- (3) Manage rural subdivision and boundary adjustments to facilitate more efficient use of land for rural production activities by:
  - (a) restricting further subdivision in the Rural - Rural Production Zone, Rural - Mixed Rural Zone and Rural - Rural Coastal Zone for a range of rural production activities; and
  - (b) providing for the transfer of titles to certain Rural - Countryside Living Zones.
- (4) Require subdivisions to be designed to retain, protect or enhance features including those in the Historic Heritage Places Overlay and Sites and Places of Significance to Mana Whenua Overlay, or otherwise remedy adverse effects.
- (5) Provide for subdivision around existing development and subdivision where it enables creation of sites for uses that are in accordance with an approved land use resource consent, where there is compliance with Auckland-wide and zone rules and appropriate provision is made for areas of common use.
- (6) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (7) Require any staged subdivision to be undertaken in a manner that promotes efficient development.

- (8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil.
- (9) Encourage the amalgamation of small fragmented land parcels identified in Appendix 14 Land amalgamation incentivised area through transferable rural site subdivision.
- (10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.
- (11) Restrict in-situ subdivision for rural lifestyle living to where:
  - (a) the site is located in the Rural - Countryside Living Zone;
  - (b) the site is created through the protection ~~or~~ /enhancement of significant indigenous vegetation and wetlands; or
  - (c) the site is created through ~~restorative or~~ indigenous revegetation planting.
- (12) Enable the transfer of titles to sites in the Rural - Countryside Living Zone which are identified using the subdivision variation control on the planning maps.
- (13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.
- (14) Avoid the subdivision of minor dwellings and workers' accommodation from the parent site in the rural areas.

*Protection of indigenous vegetation and wetland and revegetation planting*

- (15) Enable:
  - (a) Transfer of titles; and
  - (b) Limited in-situ subdivision
    - ~~or the transfer of titles~~ through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on Map [X] or areas meeting the factors for Significant Ecological Areas in Policy B7.2.2(1) and in terms of the descriptors contained in Schedule 3 Significant Ecological Areas - Terrestrial Schedule and indigenous revegetation planting.
- (16) Require indigenous vegetation or wetland within a site being subdivided to be legally protected in perpetuity.
- (17) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:
  - (a) there will be significant environmental protection ~~or restoration~~ of indigenous vegetation including restoration, or wetlands;
  - (b) subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;

- (c) subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;
  - (d) adverse effects on rural and coastal character are avoided, remedied or mitigated;
  - (e) sites are of sufficient size to absorb and manage adverse effects within the site; and
  - (f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.
- (18) Avoid the subdivision of sites in the Quarry Buffer Area Overlay and in areas of significant mineral resources that would result in development that could compromise the operation of mineral extraction activities.

*Natural features and landscape*

- (19) Require subdivision, including site boundaries and specified building areas and access, to:
- (a) recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation;
  - (b) avoid inappropriately located buildings and associated accessways including prominent locations as viewed from public places;
  - (c) avoid adverse effects on riparian margins and protected natural features; and
  - (d) avoid fragmentation of features and landscape in the Significant Ecological Areas Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Features Overlay or Sites and Places of Significance to Mana Whenua Overlay, or areas between sites.

*Esplanade Reserves and Strips*

- (20) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (21) Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
- (a) safe public access and recreational use is already possible and can be maintained for the future;
  - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
  - (c) the land and water-based habitats on and adjoining the subject land area will not be adversely affected;

- (d) the natural values, geological features and landscape features will not be adversely affected;
  - (e) any Scheduled Historic Heritage Places and Sites and Places of Significance to Mana Whenua will not be adversely affected;
  - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change;
  - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
  - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation;
  - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to Policy B8.4.2(3) relating to public access in the coastal marine area; or
  - (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (22) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
  - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
  - (c) opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
  - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
  - (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
  - (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

*Amenity*

- (23) Require subdivision to avoid creating ribbon development along public roads or multiple access points that may adversely affect the character or amenity values or the adequate functioning of rural roads.
- (24) Require accessways, public walkways and roads to be designed so rural and coastal character and amenity values are maintained or enhanced.
- (25) Restrict the location and design of sites and specified building areas to:

- (a) integrate development with the existing landscape; and
  - (b) ensure the character and amenity values of adjacent sites and the locality are not adversely affected.
- (26) Require rural subdivision to avoid, remedy or mitigate adverse effects on the rural or coastal character and to complement the rural or coastal character of the area.

*Infrastructure*

- (27) Require infrastructure servicing rural subdivision to avoid, remedy or mitigate adverse effects on rural character and amenity.
- (28) Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to be able to connect to the following networks:
- (a) wastewater;
  - (b) stormwater; and
  - (c) potable water.
- (29) Require all new sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
  - (b) management of wastewater via an on-site wastewater treatment system, or approval to connect to a private wastewater network; and
  - (c) potable water
- (30) Require subdivision to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
  - (b) in a manner consistent with stormwater management policies in E1 Water quality and integrated management;
  - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in E1 Water quality and integrated management;
  - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
  - (e) to maintain or progressively improve water quality;



- (f) to integrate drainage reserves and infrastructure with surrounding development and public open space networks; and
  - (g) in an integrated and cost-effective way.
- (31) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.
- (32) Enable subdivision for network utility purposes while avoiding, remedying or mitigating the adverse effects.

#### **E39.4. Activity table**

Tables E39.4.1 to E39.4.5 specify the activity status of subdividing land pursuant to section 11 of the Resource Management Act 1991 within the following zones:

- Rural – Rural Production Zone,
- Rural - Mixed Rural Zone,
- Rural – Rural Coastal Zone,
- Rural – Rural Conservation Zone
- Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone
- Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision within the National Grid Corridor Overlay, the activity status for subdivision in the rural zones as listed in Tables E39.4.1 to E39.4.5 below will apply unless there are different provisions in D26 National Grid Corridor Overlay in which case the overlay provisions will take precedence.

For all other subdivision refer to E38 Subdivision – Urban.

An activity listed in Table E39.4.1 Subdivision for specified purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E39.4.2 Subdivision in rural zones, E39.4.3 Subdivision in Future Urban Zone, E39.4.4 Subdivision in Special Purpose – Quarry Zone and E39.4.5 Subdivision in Rural - Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Where a proposed subdivision activity fits into activities listed in Table E39.4.1 and those listed in Tables E39.4.2, E39.4.3, E39.4.4, or E39.4.5, then the activity status listed for each activity in each table also applies.

Refer to D12 Waitākere Ranges Heritage Area Overlay for areas and sites subject to specific subdivisions provisions in the Waitākere Ranges Heritage Area.

**Table E39.4.1 Subdivision for specified purposes**

Activity		Activity Status
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
(A2)	Subdivision for a network utility	P
(A3)	Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A4)	Boundary adjustments not exceeding 10 per cent of the original site area and meeting Standard E39.6.3.2	C
(A5)	Subdivision establishing an esplanade reserve	RD
(A6)	Subdivision establishing an esplanade strip	D
(A7)	Any reduction or waiver of esplanade reserves or strips	D
(A8)	Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> <li>• 1 per cent annual exceedance probability floodplain;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) area;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;</li> <li>• coastal erosion hazard area; or</li> <li>• land which may be subject to land instability.</li> </ul>	RD
(A9)	Any subdivision listed in this table not meeting standards in E39.6.1	D
(A10)	Boundary adjustments unable to comply with controlled activity rule and standards in E39.6.3.2 and E39.6.3	D

**Table E39.4.2 Subdivision in rural zones (excluding Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone)**

Activity		Activity Status
(A11)	Subdivision for open spaces, reserves or road realignment	D

(A12)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone complying with Standard E39.6.5.1	D
(A13)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone not complying with Standard E39.6.5.1	NC
(A14)	Subdivision in the Rural – Countryside Living Zone complying with Standard E39.6.5.2	D
(A15)	Subdivision in the Rural – Countryside Living Zone not complying with Standard E39.6.5.2	NC
(A16)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay, and complying with Standard E39.6.4.4	RD
(A17)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.4	NC
<u>(A17A)</u>	<u>In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on Map [X] up to a maximum of 6 sites from protection of indigenous vegetation and 2 sites from protection of freshwater wetland complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931).</u>	<u>RD</u>
<u>(A17B)</u>	<u>In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on Map [X] on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply).</u>	<u>NC</u>
<u>(A17C)</u>	<u>In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.4</u>	<u>RD</u>
<u>(A17D)</u>	<u>In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.4</u>	<u>NC</u>



(A18)	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5	RD
(A19)	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5	NC
(A20)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay complying with Standard E39.6.4.6	RD
(A21)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.6	NC
(A21A)	<u>Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on Map [X] up to a maximum of 76 sites from protection of indigenous vegetation and 6 sites from protection of freshwater wetland complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931).</u>	<u>RD</u>
(A21B)	<u>Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on Map [X] on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply).</u>	<u>NC</u>
(A21C)	<u>Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.6</u>	<u>RD</u>
(A21D)	<u>Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.6</u>	<u>NC</u>
(A22)	Transferable rural sites subdivision through establishing revegetation planting complying with Standard E39.6.4.6	RD
(A23)	Transferable rural sites subdivision through establishing revegetation planting not complying with Standard E39.6.4.6	NC
(A24)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area complying with Standard E39.6.4.7	RD
(A25)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land	NC

	amalgamation incentivised area not complying with Standard E39.6.4.7	
(A26)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A27)	Any other subdivision not provided for in Tables E39.4.1 or E39.4.2	NC

**Table E39.4.3 Subdivision in Future Urban Zone**

Activity		Activity Status
(A28)	Subdivision for open spaces, reserves or road realignment	D
(A29)	Any other subdivision not provided for in Table E39.4.1 or E39.4.3	NC

**Table E39.4.4 Subdivision in Special Purpose – Quarry Zone**

Activity		Activity Status
(A30)	Any other subdivision not provided for in Table E39.4.1	D

**Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone**

Activity		Activity Status
(A31)	Subdivision in the Rural – Waitākere Foothills Zone creating site size with a minimum site size of 4ha complying with Standard E39.6.3.2	C
(A32)	Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	D
(A33)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone not complying with Standard E39.6.5.3, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	Pr

(A35)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36)	Subdivision in the Rural – Waitākere Foothills Zone or Rural – Waitākere Ranges Zone not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	NC
(A37)	<i>[deleted]</i>	

### E39.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E39.4.1 or Table E39.4.5 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables E39.4.1 to E39.4.5 and which is not listed in E39.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### E39.6. Standards

Subdivision listed in Tables E39.4.1 to E39.4.5 must comply with the relevant standards in E39.6.1 General standards ([except as otherwise provided in Standard E39.6.5.1\(2\)](#)), and the relevant standards for permitted, controlled, restricted discretionary and discretionary activities in E39.6.2 to E39.6.5.

#### E39.6.1. General standards

##### E39.6.1.1 Specified building area

- (1) A specified building area must be clearly identified on every site on a subdivision scheme plan on which a building is to be constructed.
- (2) Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include:
  - (a) the location of the existing dwelling;
  - (b) indicate that the dwelling will be removed from the site; or
  - (c) the new location of the existing dwelling that will be relocated.
- (3) The specified building area must meet all of the following:
  - (a) include a single area of at least 2,000m<sup>2</sup> clear of all of the following:

- (i) all yards;
- (ii) one per cent annual exceedance probability floodplain areas;
- (iii) coastal storm inundation 1 per cent annual exceedance probability (AEP) area;
- (iv) coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;
- (v) coastal erosion hazard area;
- (vi) land which may be subject to land instability;
- (vii) access to all proposed building platforms or areas; and
- (viii) on-site private infrastructure required to service the intended use of the site.

(b) be able to be linked by adequate and appropriate vehicle access to a formed public road;

(c) be identified as the only place within the site where dwellings, any accessory buildings, and related parking and manoeuvring areas can be located; and

(d) be located outside of the Quarry Buffer Area Overlay.

#### **E39.6.1.2 Access and entrance strips**

(1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:

(a) are being created for reserves, network utilities or road closure; or

(b) will be amalgamated with another site that already has legal and physical access to a road.

#### **E39.6.1.3 Services**

(1) For all proposed sites capable of containing a building, or for cross-lease, unit title, strata title or company lease, each building must be designed and located so that provision is made for all of the following services:

(a) collection, treatment and disposal of stormwater;

(b) collection, treatment and disposal of wastewater;

(c) water supply;

(d) electricity supply; and

(e) telecommunications.

(2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire

Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

#### **E39.6.1.4. Staging**

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This detail must include all of the following:
  - (a) the time period over which the development is likely to take place;
  - (b) the areas of land subject to the proposed stages; and
  - (c) the balance area of the site remaining after the completion of each stage.

#### **E39.6.1.5 Overland flow paths**

- (1) All subdivision must be designed to incorporate overland flow paths existing on the site.
- (2) Stormwater must exit the site in a location that does not increase the risks of hazards to downstream properties.

#### **E39.6.1.6 Existing vegetation on the site**

- (1) All subdivision plans, excluding boundary adjustments subdivision plans, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
  - (a) any areas identified as a Significant Ecological Area in the D9 Significant Ecological Areas Overlay; or
  - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

#### **E39.6.2. Standards - permitted activities**

Subdivision listed as a permitted activity in Table E39.4.1 Subdivision for specified purposes must comply with the relevant standards in E39.6.1 General standards, and E39.6.2 Standards – permitted activities.

##### **E39.6.2.1. Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease or unit title subdivision is not involved**

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.



### **E39.6.2.2. Subdivision for a network utility**

- (1) The network utility activity must meet one of the following:
  - (a) be a permitted activity pursuant to E26 Infrastructure; or
  - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice must be required to state that land that is no longer required for the network utility after it disestablishes, must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.
- (4) Sites must have access to a legal road through an appropriate legal mechanism.

### **E39.6.3. Standards - controlled activities**

Subdivision listed as a controlled activity in Table E39.4.1 Subdivision for specified purposes and Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone must comply with the relevant standards in E39.6.1 General standards and in E39.6.3 Standards – controlled activities.

#### **E39.6.3.1. Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners**

- (1) All buildings must meet one of the following:
  - (a) have existing use rights;
  - (b) comply with the relevant overlays, Auckland-wide and zone standards; or
  - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent, and only created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

### **E39.6.3.2. Boundary adjustments that do not exceed 10 per cent of the original site size**

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.
- (3) All sites must remain compliant with the applicable minimum site area and minimum average site area for the relevant zones.
- (4) Boundary adjustments must not result in the creation of additional titles.
- (5) If any boundary adjustment under this control creates the potential for additional subdivision creating additional sites or additional dwellings over and above what was possible for each site prior to the boundary adjustment a legal covenant or consent notice under s. 221 of the RMA is to be registered on the titles prohibiting any further such subdivision or new dwellings under Rules in Chapters E39 and H19.;
  - a) ~~any further subdivision; and/or~~
  - b) ~~new dwellings.~~

### **E39.6.4 Standards - restricted discretionary activities**

Subdivision listed as a restricted discretionary activity in Table E39.4.1 Subdivision for specified purposes or Table E39.4.2 Subdivision in rural zones must comply with the relevant standards set out in E39.6.1 General standards and E39.6.4 Standards – restricted discretionary activities unless otherwise specified.

#### **E39.6.4.1. Subdivision establishing an esplanade reserve**

- (1) Any subdivision involving the creation of sites less than 4 hectare which adjoins the line of the mean high water springs, or the bank of a river or stream 3 metres or more in width, or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water springs, or the bank of a river, stream or the margin of any lake.
- (3) Standards E39.6.4.1(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

#### **E39.6.4.2. Subdivision of a site within the one per cent annual exceedance probability floodplain**

- (1) Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:

- (a) contain a specified building area that meets the requirements of Standard E39.6.1 General standards; or
- (b) be in accordance with a land use consent that authorises development or building in the floodplain.

**E39.6.4.3. Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area**

- (1) Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in (a) to (c) below are located outside of any land subject to coastal erosion or coastal storm inundation:
  - (a) a specified building area that meets the requirements of Standard E39.6.1 General standards;
  - (b) access to all proposed building platforms or areas; and
  - (c) on-site private infrastructure required to service the intended use of the site.

**E39.6.4.4. In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; and in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1)**

Refer to Appendix 15 Subdivision information and process for further information in relation to in-situ subdivisions.

- (1) The indigenous vegetation or wetland to be protected must either be:
  - (a) identified in the Significant Ecological Areas Overlay or shown on Map [X]; or
  - (b) must be assessed by a suitably qualified and experienced person (e.g. for example, ecologist) who must determine that it meets one or more of the Significant Ecological Areas factors identified in Policy B7.2.2(1) and detailed in the factors and sub-factors listed in Schedule 3 Significant Ecological Areas - Terrestrial Schedule. A report by that person must be prepared and must be submitted to support the application.
- (2) The maximum number of sites created from the protection of indigenous vegetation or wetland must comply with Table E39.6.4.4.1 and Table E39.6.4.4.2.

**Table E39.6.4.4.1 Maximum number of new rural residential sites to be created from protection of indigenous vegetation or wetland either identified in Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1).**

FEATURE PROTECTED	TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD	IN-SITU SUBDIVISION YIELD
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	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
<b>INDIGENOUS VEGETATION</b>	2ha - 9.9999ha	1	4ha - 9.9999ha	1
	10ha - 14.9999ha	2	10ha - 20ha	2
	15ha - 19.9999ha	3	Thereafter for every additional 10ha	+1 To a total of 12 maximum
	20ha - 30ha	4		
	Thereafter for every additional 10ha	+1 No maximum		
<b>WETLAND</b>	0.5ha - 0.9999ha	1	0.5ha - 1.9999ha	1
	1ha - 1.9999ha	2	2ha - 3.9999ha	2
	2ha - 3.9999ha	3	4ha and over	3 maximum
	4ha - 9ha	4		
	Thereafter for every additional 5ha	+1 No maximum		

Note 1 for Table E39.6.4.4.1: Where indigenous vegetation is proposed to be protected using Table E39.6.4.4.1, the area of indigenous vegetation protected can consist of either indigenous vegetation identified in the Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. Where a wetland is proposed to be protected using Table E39.6.4.4.1 the area of wetland can consist of either wetland identified in the Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. For example, where the indigenous vegetation comprises 1ha of indigenous vegetation identified in the Significant Ecological Areas Overlay and 1ha meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) the 2ha area will be sufficient to generate one site for TRSS.

Areas of indigenous vegetation or wetland to be protected

Maximum number of rural residential sites that may be created

Minimum of 2.0ha

1

2.0001ha - 11.9999ha

2

12.0ha - 21.9999ha

3

22.0ha - 31.9999ha

4

32.0ha - 41.9999ha

5

42.0ha - 51.9999ha

6

<del>52.0ha – 61.9999ha</del>	<del>7</del>
<del>62.0ha – 71.9999ha</del>	<del>8</del>
<del>72.0ha – 81.9999ha</del>	<del>9</del>
<del>82.0ha – 91.9999ha</del>	<del>10</del>
<del>92.0ha – 101.9999ha</del>	<del>11</del>
<del>102.0ha – 111.9999ha</del>	<del>12</del>

**Table E39.6.4.4.2 Maximum number of new sites to be created from the protection of wetland either identified in the Significant Ecological Areas Overlay or shown on Map ~~IX~~ or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1)**

<u>Areas of wetland to be protected</u>	<u>Maximum number of rural residential sites that may be created</u>
<u>Minimum of 5.000m<sup>2</sup></u>	<u>1</u>
<u>5.0001m<sup>2</sup> – 1.9999ha</u>	<u>2</u>
<u>2.001ha – 3.9999ha</u>	<u>3</u>
<u>4.001ha – 7.9999ha</u>	<u>4</u>
<u>8.0ha – 11.9999ha</u>	<u>5</u>
<u>12.0ha – 15.9999ha</u>	<u>6</u>
<u>16.0ha – 19.9999ha</u>	<u>7</u>
<u>20.0ha – 24.9999ha</u>	<u>8</u>
<u>25.0ha or more</u>	<u>9 plus one additional site for each 5ha of wetland above 30ha</u>

Note 2 for Table E39.6.4.4.1: If Rules (A17A) or (A17B) are used to create in-situ sites through protection of indigenous vegetation or freshwater wetland, the number of in-situ sites created must be subtracted from the maximum number of sites that may be created for Transferable Rural Site Subdivision under Rules (A21A) or (A21B).

Note 3 for Table E39.6.4.4.1: If Rules (A21A) or (A21B) are used to create Transferable Rural Site Subdivision through protection of indigenous vegetation or freshwater wetland, any number of sites created over 70 through the protection of indigenous vegetation or any number of sites created over 4 through the protection of freshwater wetland must be subtracted from the maximum number of in-situ sites that may be created under Rules (A17A) or (A17B).



(2A) The maximum number of in-situ sites created through any combination of the protection of indigenous vegetation, wetland and established native revegetation planting under E39.6.4.4 and E36.6.4.5 must not exceed a cumulative total of 12 sites.

(2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of indigenous vegetation (SEA) or wetland, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.4.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.4.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.

- (3) A 20 metre buffer is to be applied to the perimeter of the indigenous vegetation wetland and included as part of the protected area.
- (4) The additional in-situ sites must be created on the same site as the indigenous vegetation subject to protection.

Note: Standard E39.6.4.6 provides a separate subdivision option to enable the transfer of additional lots created via Standard E39.6.4.4.

- (5) The additional in-situ sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (6) Any indigenous vegetation or wetland proposed to be legally protected in accordance with Appendix 15 Subdivision information and process must be identified on the subdivision scheme plan.
- (7) Areas of indigenous vegetation or wetland to be legally protected as part of the proposed subdivision must not already be subject to legal protection.
- (8) Areas of indigenous vegetation or wetland to be legally protected as part of the proposed subdivision must not have been used to support another transferable rural site subdivision or subdivision under this Plan or a previous district plan.
- (9) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation or wetland.
- (10) All applications must include all of the following:
  - (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation or wetland and buffer area remain protected in perpetuity. Refer to legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in Appendix 15 Subdivision information and process for further information;
  - (b) the planting plan for restorative planting must follow the specifications as set out in Appendix 15 Subdivision information and process that specifies any restoration measures proposed to be carried out within or adjacent to the indigenous vegetation or wetland proposed to be protected;

- (c) the plan required in E39.6.4.4(10)(a) and (b) must be prepared by a suitably qualified and experienced person.
- (11) Indigenous vegetation or wetland to be protected must be made subject to a legal protection mechanism meeting all of the following:
- (a) protection of all the indigenous vegetation or wetland and wetland buffer existing on the site at the time the application is made, even if this means protecting vegetation or a wetland larger than the minimum qualifying area; and
  - (b) consistent with the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in Appendix 15 Subdivision information and process.
- (12) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:
- (a) the establishment of secure stock exclusion;
  - ~~(b) the maintenance of plantings, which must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have been in the ground for at least three years for wetlands, or have reached 80 per cent canopy closure for other ecosystem types. The survival rate must ensure a minimum 90 per cent of the original density and species;~~
  - ~~(c) the maintenance of plantings must include the ongoing replacement of plants that do not survive;~~
  - (b) the maintenance of the indigenous vegetation plantings or wetland must ensure that all invasive plant pests are eradicated ~~from the planting site both at the time of planting and on an ongoing basis to ensure adequate growth~~; and
  - (c) the maintenance of the indigenous vegetation plantings or wetland must ensure animal and plant pest control occurs.

**E39.6.4.5. In-situ subdivision creating additional sites through establishing native revegetation planting**

- (1) Any established revegetation planting must meet all of the following:
- (a) not be located on land containing elite soil or prime soil;
  - (b) be located outside any Outstanding Natural Character, High Natural Character or Outstanding Natural Landscape overlays;
  - (c) be contiguous with existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); and
  - (d) the criteria as set out in Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings.



- (2) The maximum number of new sites created through establishing revegetation planting must comply with Table E39.6.4.5.1.

**Table E39.6.4.5.1 Maximum number of new sites from establishing native revegetation planting (to be added to existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Areas factors identified in Policy B7.2.2.(1)) subject to protection**

<u>Minimum area of established native revegetation planting subject to protection</u>	<u>Maximum number of new sites</u>
<u>5ha</u>	<u>±</u>
<u>Every additional 5ha</u>	<u>±</u>

TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
5ha - 9.9999ha	1	5ha - 9.9999ha	1
10ha - 14.9999ha	2	10ha - 14.9999ha	2
15ha - 19.9999ha	3	15ha and over	3 maximum
20ha - 24.9999ha	4		
Thereafter for every additional 5ha	+1 to maximum of 6		

(2A) The maximum number of in-situ sites created through any combination of the protection of established native revegetation planting, indigenous vegetation and wetland under E39.6.4.4 and E36.6.4.5 must not exceed a cumulative total of 12 sites.

(2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of established native revegetation planting, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.5.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.5.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.

- (3) Any new in-situ site must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (4) Any established revegetation planting proposed must be legally protected.



- (5) Areas subject to revegetation planting must be subject to a legal protection mechanism that:
- (a) protects all the existing indigenous vegetation on the site at the time of application as well as the additional area subject to any ~~restoration~~ revegetation planting; and
  - (b) meets the requirements as set out in Appendix 15 Subdivision information and process.
- (6) All applications must include all of the following:
- (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation ~~or wetland and buffer area~~ remain protected in perpetuity. Refer to the legal protection mechanism to protect indigenous vegetation, wetland or ~~revegetated~~ revegetation planting as set out in Appendix 15 Subdivision information and process for further information;
  - (b) a planting plan for ~~restorative-revegetation~~ revegetation planting ~~restoration~~ measures proposed to be carried out within or adjacent to the indigenous vegetation proposed to be protected in accordance with Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings; and
  - (c) the plans required in E39.6.4.5(6)(a) and (b) must be prepared by a suitably qualified and experienced person.
- (7) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:
- (a) the establishment of secure stock exclusion;
  - (b) the maintenance of plantings that must occur until the plantings have reached a sufficient Maturity to be self-sustaining, and ~~have been in the ground for at least three years for wetlands or~~ have reached 80 per cent canopy closure for other ~~ecosystem types~~. The survival rate must ensure a minimum 90 per cent of the original density and species;
  - (c) the maintenance of plantings must include the ongoing replacement of plants that do not survive;
  - (d) the maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth; and
  - (e) the maintenance of plantings must ensure animal and plant pest control occurs.
- (8) The subdivision resource consent must be made subject to a condition that requires the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation ~~or area of restoration planting~~ to be protected as applicable.

**E39.6.4.6. Transferable rural site subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; or transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); or transferable rural sites subdivision through establishing revegetation planting**

Refer to Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings for further information on transferable rural sites subdivisions and revegetation planting.

- (1) All transferable rural sites subdivisions applications involving protection of indigenous vegetation or wetlands must meet all of the standards that are applicable for:
  - (a) the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on Map [X] as set out in Standard E39.6.4.4; or
  - (b) the protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) as set out in Standard E39.6.4.4: or
  - (c) the creation of sites through establishing revegetation planting as set out in Standard E39.6.4.5.
- (2) A donor site (being the site with the indigenous vegetation, wetland or the revegetation planting to be protected) must not be the same site as a receiver site.
- (3) The receiver site must be located within a Rural - Countryside Living Zone and be identified as an eligible receiver site by the subdivision variation control on the planning maps.
- (4) Sites being subdivided must have a minimum net site area and average net site area that complies with the transferable rural sites subdivision in the Rural - Countryside Living Zone as set out in Table E39.6.5.2.1 Minimum and average net site areas.
- (5) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the receiver site or sites to be deposited after, and not before, the protective covenant has been legally registered against the title containing the covenanted indigenous vegetation or wetland as applicable.

**E39.6.4.7. Transferable rural site subdivision through the amalgamation of donor sites, including sites identified in Appendix 14 Land amalgamation incentivised area**

- (1) Prior to amalgamation of donor sites, all applications for amalgamation of donor sites must meet the following:
  - (a) donor sites must be abutting;
  - (b) one of the two donor sites must not contain a dwelling unless the resulting amalgamated site is permitted by this Plan to have more than one dwelling;

- (c) donor sites must be zoned either Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone or Rural - Rural Conservation Zone;
  - (d) the land must contain at least 90 per cent elite soil or prime soil. The applicant must provide a detailed Land Use Capability (LUC) soil assessment confirming that donor sites contain at least 90 per cent elite land or prime land. The assessment must be prepared by a suitably qualified and experienced person;
  - (e) each site must have a net site area of between 1 and 20 hectares;
  - (f) sites must have been in existence, or be shown on an approved scheme plan of subdivision; and
  - (g) sites must not comprise part or all of a closed road, road severance, or designation.
- (2) Following amalgamation of donor sites, all donor sites must meet all of the following:
- (a) be held in a single certificate of title;
  - (b) rescinded in such a way that replacement titles cannot be reissued;
  - (c) made subject to a legal protection mechanism that states all of the following:
    - (i) the residential development rights attaching to the donor sites have been used to create a transferable rural sites subdivision under the Plan and must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent;
    - (ii) the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment; and
    - (iii) the new site has no further potential to be used for the purpose of a transferable rural site subdivision.
- (3) Following amalgamation of donor sites, all receiver sites must meet all of the following:
- (a) be subdivided into no more sites than those permitted by Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites;

**Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites**

<b>Transferable rural sites subdivision by way of amalgamation</b>	
<b>Criteria</b>	<b>Maximum number of new sites for transfer</b>
Amalgamation of two eligible donor sites as identified in Appendix 14 Land amalgamation incentivised	Two new sites for every two donor sites amalgamated

area and complying with Standard E39.6.4.7(1)	
Amalgamation of two eligible donor sites outside the land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	One new site for every two donor sites amalgamated

- (b) the donor site must not be the same site as a receiver site;
- (c) be located within sites zoned as Rural – Countryside Living Zone and be identified as an eligible receiver site by the Subdivision Variation Control on the planning maps;
- (d) have a minimum net site area complying with the minimum net site area and average net site area with transferable rural sites subdivision as set out in Table E39.6.5.2.1 Minimum and average net site areas;
- (e) be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after, and not before, the plan of subdivision for the amalgamation of donor sites has been deposited.

### **E39.6.5 Standards - discretionary activities**

Subdivision listed as a discretionary activity in Table E39.4.2 and Table E39.4.2.5 must comply with the relevant standards in E39.6.1 General standards and E39.6.5 Standards - discretionary activities.

#### **E39.6.5.1 Subdivision in the Rural - Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, and Rural - Rural Conservation Zone**

- (1) Subdivision in these rural zones must meet the minimum average site size and minimum site size requirement as set out in Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision.

**Table E39.6.8.1.1 Minimum average site size and minimum site size for subdivision**

Zone	Minimum average site size (ha)	Minimum site size (ha)
Rural - Rural Production	100	80
Rural - Mixed Rural	50	40
Rural - Rural Coastal	50	40
Rural - Rural Conservation	20	10

(2) Subdivision of the land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931)

(a) Is not required to comply with General Standards E39.6.1.1 to E39.6.1.5 where the subdivision resource consent is made subject to a legal mechanism to ensure no dwellings can be established on the new sites created (although this mechanism shall not affect the establishment of dwellings on the balance parent site):

(b) Shall be deemed to meet the access requirements in Standards E39.6.1.1(3)(b) and E39.6.1.2 if access by sea to the proposed sites is provided.

### **E39.6.5.2. Subdivision in the Rural – Countryside Living Zone**

(1) Subdivision in the Rural – Countryside Living Zone must meet all of the following:

- (a) proposed site sizes and average net site areas must comply with the minimum net site areas specified in Table E39.6.5.2.1 Minimum and average net site areas;
- (b) the average net site area of all sites following subdivision must be calculated per subdivision scheme plan, and no credits will be carried forward to future subdivision scheme plans;
- (c) the minimum frontage for all front sites must be 15 metres; and
- (d) the minimum frontage for rear sites must be 6 metres.

Transferable rural site subdivision receiver sites must be located in the Rural – Countryside Living Zone locations listed in Table E39.6.5.2.1 Minimum and average net site areas and be identified as eligible receiver sites by the Subdivision Variation Control on the planning maps.

In this table, N/A means the transferable rural site subdivision mechanism is not provided for in that particular location.

**Table E39.6.5.2.1 Minimum and minimum average net site areas**

<b>Location of Rural – Countryside Living Zone</b>	<b>Minimum net site area and average net site area without transferable rural site subdivision</b>	<b>Minimum net site area and average net site area with transferable rural site subdivision</b>
Rural – Countryside Living Zone areas not identified below	Minimum: 2ha	N/A
Wellsford Kaukapakapa Helensville	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Warkworth	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha

Matakana Kumeu - Huapai Paremoremo - Albany Heights	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Algies Bay	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Puhoi Parakai	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Average: 1ha
Waimauku	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
South Rodney	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Whitford (excluding precinct and Caldwell's Road)	Minimum: 2ha Minimum average: 4ha	N/A
<u>Whitford - Caldwell's Road</u>	<u>Minimum: 1ha</u> <u>Minimum average:</u> <u>2ha</u>	<u>N/A</u>
Papakura	Minimum: 1ha	N/A
Point Wells	Minimum: 5,000m <sup>2</sup> Minimum average: 7,500m <sup>2</sup>	N/A
Runciman	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Swanson (outside precinct)	Minimum: 4ha	N/A

### E39.6.5.3. Subdivision in Rural – Waitākere Ranges Zone

- (1) The average site size must be greater than 4 hectares.
- (2) The average site size must be calculated over the net site area of the site as it existed as of 14 October 1995.
- (3) The minimum net site area must be 2 hectares.
- (4) The subdivision must not create any new road.
- (5) Subdivision must not create development or establishment of buildings within land areas identified in the Significant Ecological Areas Overlay.

## **E39.7. Assessment – controlled activities**

### **E39.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
  - (a) compliance with an approved resource consent except for boundary adjustment subdivision;
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
  - (c) the effects of infrastructure provision; and
  - (d) the effects on historic heritage and cultural heritage items.

### **E39.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) all controlled activities:
  - (a) compliance with an approved resource consent except for boundary adjustment subdivision:
    - (i) refer to Policy E39.3(6);
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
    - (i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;
    - (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and
    - (iii) refer to Policy E39.3(24), (25) and (26);
  - (c) the effects of infrastructure provision:
    - (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
    - (ii) refer to Policy E39.3(27) and (31).
  - (d) the effects on historic heritage and cultural heritage items;



- (i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and
  - (ii) refer to Policy E39.3(4).
- (2) Subdivision in the Rural – Waitākere Foothills Zone:
- (a) Policies E39.3(1), (4), (6), (10), (11), (13), (16), (16~~7~~), (19), (24) and (27) - (32).

## **E39.8. Assessment - restricted discretionary activities**

### **E39.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) subdivision of a site within the two one per cent annual exceedance probability floodplain:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events.
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.
- (3) subdivision of a site in the coastal erosion hazard area:
  - (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.
- (5) subdivision establishing an esplanade reserve:
  - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard

E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:

- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or areas shown on Map [X], do not unnecessarily compromise other elements of rural character and amenity:
  - (i) the number of sites created, site size, building platforms locations, access;
  - (ii) the rural character, landscapes and amenity;
  - (iii) the location of the indigenous vegetation, wetland and/or revegetation planting relative to proposed new sites and to existing vegetation;
  - (iv) the quality of the indigenous vegetation, wetland and/or revegetation planting to be protected;
  - (v) the compliance with Auckland-wide rules;
  - (vi) any management plans for the ongoing protection and management of indigenous vegetation, wetland or revegetation restorative planting;
  - (vii) the provision of adequate access to existing and new infrastructure and provision of appropriate management of effects of stormwater;
  - (viii) the legal protection for indigenous vegetation, wetland or revegetation planting;
  - (ix) any reverse sensitivity effects; and
  - (x) the location of identified building areas platforms relative to areas of significant mineral resources.
  
- (7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; or transferable rural sites subdivision through establishing revegetation planting:
  - (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or areas shown on Map [X], do not unnecessarily compromise other elements of rural character and amenity:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the number and size of new sites created on the receiver sites and compliance with minimum and average net site areas in the Rural Countryside: Living Zone; and

- (iii) the timing and co-ordination of the protection of indigenous vegetation, wetland and revegetation planting on donor site relative to the creation of new sites on the receiver site.
- (8) transferable rural site subdivision through the amalgamation of donor sites, including those sites identified in Appendix 14 Land amalgamation incentivised area:
- (a) effects associated with the below matters, having regard to the need to ensure the long term protection of elite soils and their availability for rural production purposes, without compromising other elements of rural character and amenity, or rural resources:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the location and the soil qualities of the donor sites;
    - (iii) the degree to which new sites created from receiver sites comply with the Auckland-wide rules;
    - (iv) the suitability of the transferred sites for rural residential purposes having regard to the objectives, policies and rules for the Rural – Countryside Living Zone.

#### **E39.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) subdivision of a site within the one per cent annual exceedance probability floodplain and flood prone areas:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
    - (i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;
    - (ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;
    - (iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and
    - (iv) refer to Policy E39.3(2).
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:

- (i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area;
  - (ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;
  - (iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;
  - (iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and
  - (v) Policy E39.3(2).
- (3) subdivision of site in the coastal erosion hazard area:
- (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
    - (i) whether public access to the coast is affected;
    - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
    - (iii) Policy E39.3(2).
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as "land which may be subject to land instability", or other unstable soils as identified through a specific site assessment:
- (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:
    - (i) the extent to which the proposed sites are stable and suitable;
    - (ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and
    - (iii) Policy E39.3(2).
- (5) subdivision establishing an esplanade reserve:
- (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:
    - (i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or

riverbank ecological values, natural values, geological features and landscape features; and

- (ii) Policies E39.3(1), (21), (22) and (23).
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay [or shown on Map \[X\]](#); in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2.(1) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:
- (a) Policies E39.3(1), (15), (16), (17), [\(18\)](#), (23) - (26) and (28) - (30).
- (7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay [or shown on Map \[X\]](#); transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; transferable rural sites subdivision through establishing revegetation planting:
- (a) Policies E39.3(1), (11), (12), (13), (15), (16), (17), [\(18\)](#), (23) - (26) and (28) to (30).
- (8) transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area:
- (a) Policies E39.3(1), (3), (9), (11), (12), (13), (15), (16), (17), [\(18\)](#) and (28) to (30).

#### **E39.9. Special information requirements**

There are no special information requirements in this section.

[\[Map X to be added\]](#)

## RURAL SUBDIVISION PROVISIONS

### Key

<b>Black text</b>	<b>Environment Court 2018 decision provisions and provisions not subject to appeal</b>
<b>Green text</b>	<b>Revised provisions following EC Decision No. [2020] NZEnvC 153</b>
<b>Purple text</b>	<b>Agreed Zakara provisions following EC Decision No. [2020] NZEnvC 153</b>
<b>Blue text</b>	<b>Provisions following EC Decision No. [2021] NZEnvC 010</b>

New text is shown as underlined and deleted text as ~~striketrough~~

### **H19. RURAL ZONES**

#### **H19.1 Background**

There are five rural zones: ...

#### **H19.7 Rural – Countryside Living**

##### **Zone H19.7.1. Zone description**

This zone provides for rural lifestyle living in identified areas of rural land which are generally closer to urban Auckland or rural and coastal towns. There is a diversity of topography, land quality and landscape character within the zone which results in a diversity of site sizes. The zone is the ~~main~~-receiver area for transferable rural site subdivision from other zones.

This zone incorporates a range of ....

## RURAL SUBDIVISION PROVISIONS

### Key

<b>Black text</b>	Environment Court 2018 decision provisions and provisions not subject to appeal
<b>Green text</b>	Revised provisions following EC Decision No. [2020] NZEnvC 153
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<b>Blue text</b>	Revised provisions following EC Decision No. [2021] NZEnvC 010

New text is shown as underlined and deleted text as ~~strikethrough~~

### Appendix 15 Subdivision information and process

#### 15.1. Introduction

This appendix includes additional information for subdivision resource consent applications. Refer to the Council's website for further information on how to apply for subdivision resource consent.

All references to the Significant Ecological Area Overlay in this Appendix should be read as also including the areas on Map [X]

#### 15.2. Vesting of Assets

...

#### 15.3. Transferable rural site subdivision

##### 15.3.1. Process

- (1) A Transferable Rural Site Subdivision (TRSS) is the transfer of the rural - residential development potential of rural sites from one location to the Countryside Living Zone through a subdivision process. This process may be carried out in the following ways:
  - (a) through the protection of indigenous vegetation or wetland either identified in the D9 Significant Ecological Areas Overlay or meeting Significant Ecological Areas factors as set out in the regional policy statement, and established revegetation planting meeting relevant criteria; or
  - (b) through the amalgamation of donor sites: amalgamating two existing and abutting rural zoned sites (excluding a Rural - Countryside Living Zone site), and



transferring the development potential of the 'amalgamated' site to the Countryside Living Zone.

- (2) The new or additional site is located in Rural - Countryside Living zoned sites identified on the planning maps by the Subdivision Variation Control.
- (3) The process is the same if more than two donor sites are amalgamated, or if more than one block of qualifying indigenous vegetation or wetland is protected.

**Table 15.3.1.1 Transferable rural site subdivision process**

<b>Step</b>	<b>Transferable rural site subdivision process through the amalgamation of donor sites</b>	<b>Transferable rural site subdivision process through the protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or meeting the Significant Ecological Areas factors or established revegetation planting meeting relevant criteria</b>
1	<p>Identify the following:</p> <ul style="list-style-type: none"> <li>a. two donor sites abutting each other, one of which is vacant;</li> <li>b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS - see Table E39.6.5.2.1 Minimum and minimum average net site areas in E39 Subdivision - Rural</li> </ul>	<p>Identify the following:</p> <ul style="list-style-type: none"> <li>a. an area of indigenous vegetation or wetland (on the donor site) that: <ul style="list-style-type: none"> <li>- is identified in the Significant Ecological Areas overlay;</li> <li>- meets the Significant Ecological Areas factors set out in Policy B7.2.2(1); or</li> <li>- is established with revegetation planting meeting relevant criteria.</li> </ul> </li> <li>b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS - see Table E39.6.5.2.1 Minimum and minimum average net site areas in E39 Subdivision - Rural.</li> </ul>
2	<p>Application made to Council:</p>	<p>Application made to Council:</p> <ul style="list-style-type: none"> <li>a. subdivide the property containing indigenous vegetation,</li> </ul>

	<p>a. to amalgamate two donor sites into one new site; and</p> <p>b. to subdivide the receiver site.</p>	<p>wetland or revegetation planting to create the residential development opportunity; and</p> <p>b. transfer the residential development opportunity to the receiver site in a Countryside Living Zone.</p>
3	Gain subdivision consent approval	Gain subdivision consent approval
4	Comply with consent conditions	Comply with consent conditions
5	<p>Apply to Land Information New Zealand to:</p> <p>a. issue one new certificate of title in place of the original donor sites; and</p> <p>b. issue two new certificates of title for the new sites created from the receiver site after the title for the donor sites has been issued.</p>	<p>Apply to Land Information New Zealand to:</p> <p>a. attach an appropriate legal protection mechanism to the donor site for the protection of the indigenous vegetation, wetland or <del>revegetated</del> <u>revegetation</u> planting; and</p> <p>b. issue two new certificates of title for the new sites created from the receiver site.</p>

### 15.3.2. Explanation of terms

- (1) A donor site may be one of the following:
- (a) two abutting rural sites being amalgamated;
  - (b) a rural site containing rural-residential development potential created from one of the following situations:
    - (i) a site containing indigenous vegetation or wetland identified in the D9 Significant Ecological Areas Overlay;
    - (ii) A site containing an indigenous vegetation area or wetland meeting the Significant Ecological Areas factors as identified in Policy B7.2.2(1); or
    - (iii) a site establishing ~~revegetated~~ revegetation planting.
- (2) A receiver site is a Rural - Countryside Living zoned site identified on the planning maps by the Subdivision Variation Control.

### 15.4. Protection of existing indigenous vegetation

...

### **15.5 Legal protection mechanism to protect indigenous vegetation, wetland or re-vegetated planting:**

- (1) The legal protection mechanism must include all of the following:
  - (a) permanent protection of the vegetation or wetland on the site;
  - (b) implementation of a management plan;
  - (c) permanent exclusion of all livestock from the protected area; and
  - (d) the protected area to be maintained in perpetuity, including carrying out pest control measures.
  
- (2) Where the Plan refers to indigenous vegetation or wetland to be subject to a legal protection mechanism, that mechanism must include the following:
  - (a) legal protection of the indigenous vegetation or wetland and any area of required ~~restoration~~ revegetation plantings in perpetuity. An agreement to the satisfaction of the council regarding an encumbrance, bond, consent notice, covenant or vesting as reserve must be entered into before the issue of the section 224(c) certificate under the Resource Management Act 1991;
  - (b) where applicable the legal protection mechanism must be in accordance with the relevant terms of the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977. The legal instrument must provide protection in perpetuity, and must include enforcement and penalty provisions;
  - (c) where revegetation ~~re-vegetated~~ planting is required as a condition of the subdivision consent, the section 224(c) certificate will be issued only after the required works have been undertaken and the planting has satisfied the required consent conditions. This includes implementation of an animal and plant pest management plan. 'Animal pests' are those animal species listed as 'total control pests', 'containment pests', or 'surveillance pests' in the Auckland Council's current Regional Pest Management Strategy;
  - (d) all certification required must be carried out by a suitably qualified and experienced person and at the applicant's expense, and a report must be provided to Council. In this context, a person will not be considered to be suitably qualified and experienced unless they are a qualified ecologist with appropriate experience in this type of work.
  
- (3) The indigenous vegetation or wetland and any area of required ~~re-vegetated~~ revegetation plantings to be protected must be maintained free of livestock through appropriate stock proof fencing, or if livestock access to the vegetation is prevented by topographical or natural features then stock proof fencing may not be required.

### **15.6 Restorative Revegetation planting**

- (1) A planting plan for any ~~restoration~~ revegetation planting is required prior to a section 224(c) certificate being issued and must identify the following:
  - (a) the ecological district of the site;

- (b) the characteristics of the soil (i.e. clay, silt, loam etc.);
- (c) soil drainage;
- (d) topography of the area to be planted;
- (e) location and extent of the area to be planted;
- (f) exposure of the site to wind, frost, sunlight and salt spray;
- (g) presence of plant and animal pests;
- (h) presence of any threatened species and if necessary the process for the translocation of threatened species,
- (i) stock-proof fencing that should be at least a full seven wire, post and batten fence, planting areas, weed and animal pest control;
- (j) extent of the existing Significant Ecological Areas (indigenous vegetation) and an outline of the biodiversity of the Significant Ecological Areas (indigenous vegetation) and the land in the subdivision;
- (k) any restrictions on planting, such as existing infrastructure, safety or existing access issues;
- (l) how ~~restoration~~ revegetation planting will be ecologically linked to an area of contiguous Significant Ecological Areas (indigenous vegetation) and if possible any other additional existing ecological corridors or connections;
- (m) how ~~restoration~~ revegetation planting will provide robust and high value ecological connections without gaps to the Significant Ecological Areas;
- (n) how ~~restoration~~ revegetation planting will buffer the Significant Ecological Areas and ensure long term viability and resilience of the Significant Ecological Areas;
- (o) site planting, including species to be planted, size and spacing of plants and where they are to be planted, requirements for replacement of pest plants with appropriate native species and measures to minimise reinvasion of pest plants;
- (p) measures for the maintenance of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and measures for animal and plant pest control;
- (q) protective measures proposed to ensure the Significant Ecological Areas (indigenous vegetation) and any proposed restoration planting remain protected in perpetuity;
- (r) details confirming that ~~restoration~~ revegetation planting is only to be carried out contiguous to the Significant Ecological Areas (consisting of indigenous vegetation);
- (s) confirmation that the assessment of whether the maintenance of plantings has been achieved shall be undertaken by a suitably qualified independent ecologist according to a quantitative monitoring programme.

- (2) The location and species composition of the restoration planting is to achieve the following:
- (a) provide necessary protection and restoration of the Significant Ecological Areas to ensure its long term viability, health, and significance;
  - (b) facilitate the use of natural regeneration processes to ensure that in the long term these natural regeneration processes take over;
  - (c) provide for the protection and restoration of the Significant Ecological Areas and provide robust linkages between ecological features;
  - (d) provide a sustainable, potentially significant forest, wetland or shrubland.
- (3) The following matters must be implemented prior to a section 224(c) certificate is issued and confirmation is provided:
- (a) the establishment of secure stock exclusion that is at least a full seven wire, post and batten fence;
  - (b) the planting of native vegetation at a density detailed below or at some other density considered more appropriate for the site circumstances by Council:
    - (i) an average density of 1.4 metre centres (5,100 stems per hectare) reducing to 1 metre centres (10,000 stems per hectare) in kikuyu and wetland and riparian margins;
    - (ii) sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography; and
    - (iii) reflect the composition of former natural vegetation likely to have occupied the site and include appropriate native species that will enable natural processes of succession;
  - (c) the maintenance of any plantings must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;
  - (d) the maintenance of any plantings must include the ongoing replacement of plants that do not survive;
  - (e) the maintenance of any plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on- going basis and plants released from kikuyu as necessary to ensure adequate growth; and
  - (f) the maintenance of any plantings must ensure animal and plant pest control occurs.
- (4) The planting plan must be prepared and confirmed by a suitably qualified and experienced person.

Annexure C

**FINAL RURAL SUBDIVISION PROVISIONS FOLLOWING ENVIRONMENT COURT  
DECISION [2021] NZEnvC 010**

**B9. Toitū te tuawhenua - Rural environment**

***Me tupu te ora ki te tuawhenua***

Grow your livelihood inland

**B9.1. Issues**

The Auckland region is not just the location of New Zealand's largest city. Most of the Auckland region's land is rural and contains extensive, productive and valuable areas used for farming (agriculture, horticulture and grazing), rural service industries, forestry and rural recreation. The rural parts of Auckland also contain important natural resources, including native bush, significant ecological areas and outstanding natural landscapes. The contributions made by rural areas and rural communities to the well-being of the region must be acknowledged and enabled.

The outward expansion of urban areas and people's lifestyle choices and recreational activities place significant pressures on maintaining the amenity values and the quality of the environment in rural areas. Specific issues in the Auckland region are:

- protecting the finite resource of elite quality soils from urban expansion;
- managing subdivision to prevent undue fragmentation of large sites in ways that restrict rural production activities;
- addressing reverse sensitivity effects which rural-residential development can have on rural production activities; and
- managing the opportunities for countryside living in rural areas in ways that provide for rural-residential development in close proximity to urban areas and the larger rural and coastal towns and villages while minimising the loss of rural production land.

...

**B9.4. Rural subdivision**

**B9.4.1. Objectives**

- (1) Subdivision does not undermine the productive potential of land containing elite soils.
- (2) Subdivision of rural land avoids, remedies or mitigates adverse effects on the character, amenity, natural character, landscape and biodiversity values of rural areas (including within the coastal environment), and provides resilience to effects of natural hazards.
- (3) Land subdivision protects and enhances significant indigenous biodiversity.



#### **B9.4.2. Policies**

- (1) Enable the permanent protection and enhancement of areas of significant indigenous biodiversity and rehabilitation through subdivision.
- (2) Enable subdivision for the following purposes...
- (3) Provide for and encourage the transfer of the residential development potential of rural sites to Countryside Living zones to reduce the impact from in-situ subdivision on rural land, and for title boundaries to be amalgamated to:
  - (a) promote the productivity of rural land;
  - (b) manage adverse effects of population growth across all rural areas;
  - (c) improve environmental outcomes associated with the protection of identified areas of high natural values;
  - (d) improve the management of reverse sensitivity conflicts; and
  - (e) avoid unplanned demand for infrastructure in remote areas, or across areas of scattered development.
- (4) Provide for new rural lifestyle subdivision in locations and at scales and densities so as to:
  - (a) avoid areas that would undermine the integrity of the Rural Urban Boundary or compromise the expansion of the satellite towns of Warkworth and Pukekohe, and rural and coastal towns and villages;
  - (b) protect areas where natural and physical resources have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character;
  - (c) avoid land containing elite soil;
  - (d) avoid where practicable land containing prime soil;
  - (e) avoid areas that would constrain the operation of existing mineral extraction activities or areas containing mineral resources identified in the plan for future extraction;
  - (f) maintain or enhance landscape, rural and, where relevant, coastal, character and amenity values;
  - (g) avoid the potential for reverse sensitivity effects that could hinder the continued operation or growth of existing rural activities, or the establishment of new rural activities; and
- (5) Encourage the amalgamation and transfer of rural sites to the Countryside Living zone.

### **B9.5. Principal reasons for adoption**

The purpose of sustainable management includes safeguarding the life-supporting capacity of natural resources now and in the future. This includes protecting the productive potential of the land to provide for present and future generations as well as indigenous biodiversity. It is also to maintain or enhance the character of rural areas for their contribution to regional amenity values, particularly the landscape and natural character.

...

The subdivision policies also enable and encourage the transfer of the residential development potential in productive rural zones to Countryside Living Zones, and for title boundaries to be amalgamated and a residential development right to be realised in Countryside Living Zones.

**FINAL RURAL SUBDIVISION PROVISIONS FOLLOWING ENVIRONMENT COURT  
DECISION [2021] NZEnvC 010**

**E15. Vegetation management and biodiversity**

**E15.1. Background**

Vegetation contributes to a range of ecosystem services ....

**E15.3. Policies [rcp/rp/dp]**

- (1) Protect areas ...
- (2) Manage the effects ...
- (3) Encourage the offsetting ...
- (4) Protect, restore, and enhance biodiversity when undertaking new use and development through any of the following:
  - (a) using transferable rural site subdivision to protect areas that meet one or more of the factors referred to in B7.2.2(1) and in Schedule 3 Significant Ecological Areas -Terrestrial Schedule or shown on Map [X];
  - (b) requiring legal protection, ecological restoration and active management techniques in areas set aside for the purposes of mitigating or offsetting adverse effects on indigenous biodiversity; or
  - (c) linking biodiversity outcomes to other aspects of the development such as the provision of infrastructure and open space.
- (5) Enable activities which ...

...

## FINAL RURAL SUBDIVISION PROVISIONS FOLLOWING ENVIRONMENT COURT DECISION [2021] NZEnvC 010

### **E39. Subdivision - Rural**

#### **E39.1. Introduction**

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in the following zones:

- Rural - Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, Rural - Rural Conservation Zone and Rural - Countryside Living Zone;
- Rural - Waitakere Foothills Zone and Rural - Waitakere Ranges Zone;
- Future Urban Zone; and
- Special Purpose - Quarry Zone.

For subdivision provisions in all other zones refer to E38 Subdivision - Urban.

#### **E39.2. Objectives**

- (1) Land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades, reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (9) The productive potential of rural land is enhanced through the amalgamation of smaller existing land holdings sites, particularly for sites identified in Appendix 14 Land

amalgamation incentivised area, and the transfer of titles to certain Rural - Countryside Living Zone areas.

- (10) Fragmentation of rural production land by:
  - (a) subdivision of land containing elite soil is avoided;
  - (b) subdivision of land containing prime soil is avoided where practicable; and
  - (c) subdivision of land avoids inappropriate rural lifestyle lots dispersed throughout the rural and coastal areas.
- (11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.
- (12) Rural lifestyle subdivision is primarily limited to the Rural - Countryside Living Zone, and to sites created by protecting, restoring or creating significant areas of indigenous vegetation or wetlands.
- (13) Subdivision of any minor dwellings and workers' accommodation from the parent site is avoided.
- (14) Subdivision is provided for, by either:
  - (a) Limited in-situ subdivision through the protection and enhancement of significant indigenous vegetation or wetlands and/or indigenous revegetation planting; or
  - (b) Transfer of titles to the Rural-Countryside Living Zone, through the protection and enhancement of indigenous vegetation and wetlands and/or through indigenous revegetation planting.
- (15) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.
- (16) Rural subdivision avoids or minimises adverse effects in areas identified in the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscape Overlay and Significant Ecological Areas Overlay.
- (17) Subdivision:
  - (a) outside of urban and serviced areas avoids adverse effects to people, property, infrastructure and the environment from natural hazards;
  - (b) avoids where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
  - (c) maintains the function of flood plains and overland flow paths to safely convey flood waters while taking into account the likely long term effects of climate change;

### E39.3. Policies

- (1) Provide for subdivision which supports the policies of the zones.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in E36 Natural hazards and flooding, and to provide safe and stable building platforms and vehicle access.
- (3) Manage rural subdivision and boundary adjustments to facilitate more efficient use of land for rural production activities by:
  - (a) restricting further subdivision in the Rural - Rural Production Zone, Rural - Mixed Rural Zone and Rural - Rural Coastal Zone for a range of rural production activities; and
  - (b) providing for the transfer of titles to certain Rural - Countryside Living Zones.
- (4) Require subdivisions to be designed to retain, protect or enhance features including those in the Historic Heritage Places Overlay and Sites and Places of Significance to Mana Whenua Overlay, or otherwise remedy adverse effects.
- (5) Provide for subdivision around existing development and subdivision where it enables creation of sites for uses that are in accordance with an approved land use resource consent, where there is compliance with Auckland-wide and zone rules and appropriate provision is made for areas of common use.
- (6) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (7) Require any staged subdivision to be undertaken in a manner that promotes efficient development.
- (8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil.
- (9) Encourage the amalgamation of small fragmented land parcels identified in Appendix 14 Land amalgamation incentivised area through transferable rural site subdivision.
- (10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.
- (11) Restrict subdivision for rural lifestyle living to where:
  - (a) the site is located in the Rural - Countryside Living Zone;
  - (b) the site is created through the protection / enhancement of significant indigenous vegetation and wetlands; or
  - (c) the site is created through indigenous revegetation planting.
- (12) Enable the transfer of titles to sites in the Rural - Countryside Living Zone which are identified using the subdivision variation control on the planning maps.

- (13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.
- (14) Avoid the subdivision of minor dwellings and workers' accommodation from the parent site in the rural areas.

*Protection of indigenous vegetation and wetland and revegetation planting*

- (15) Enable:
  - (a) Transfer of titles; and
  - (b) Limited in-situ subdivision
    - through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on Map [X] or areas meeting the factors for Significant Ecological Areas in Policy B7.2.2(1) and in terms of the descriptors contained in Schedule 3 Significant Ecological Areas - Terrestrial Schedule and indigenous revegetation planting.
- (16) Require indigenous vegetation or wetland within a site being subdivided to be legally protected in perpetuity.
- (17) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:
  - (a) there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;
  - (b) subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;
  - (c) subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;
  - (d) adverse effects on rural and coastal character are avoided, remedied or mitigated;
  - (e) sites are of sufficient size to absorb and manage adverse effects within the site; and
  - (f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.
- (18) Avoid the subdivision of sites in the Quarry Buffer Area Overlay and in areas of significant mineral resources that would result in development that could compromise the operation of mineral extraction activities.

*Natural features and landscape*

- (19) Require subdivision, including site boundaries and specified building areas and access, to:



- (a) recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation;
- (b) avoid inappropriately located buildings and associated accessways including prominent locations as viewed from public places;
- (c) avoid adverse effects on riparian margins and protected natural features; and
- (d) avoid fragmentation of features and landscape in the Significant Ecological Areas Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Features Overlay or Sites and Places of Significance to Mana Whenua Overlay, or areas between sites.

#### *Esplanade Reserves and Strips*

- (20) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (21) Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
  - (a) safe public access and recreational use is already possible and can be maintained for the future;
  - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
  - (c) the land and water-based habitats on and adjoining the subject land area will not be adversely affected;
  - (d) the natural values, geological features and landscape features will not be adversely affected;
  - (e) any Scheduled Historic Heritage Places and Sites and Places of Significance to Mana Whenua will not be adversely affected;
  - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change;
  - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
  - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation;
  - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to Policy B8.4.2(3) relating to public access in the coastal marine area; or

- (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (22) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
  - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
  - (c) opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
  - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
  - (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
  - (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

#### *Amenity*

- (23) Require subdivision to avoid creating ribbon development along public roads or multiple access points that may adversely affect the character or amenity values or the adequate functioning of rural roads.
- (24) Require accessways, public walkways and roads to be designed so rural and coastal character and amenity values are maintained or enhanced.
- (25) Restrict the location and design of sites and specified building areas to:
- (a) integrate development with the existing landscape; and
  - (b) ensure the character and amenity values of adjacent sites and the locality are not adversely affected.
- (26) Require rural subdivision to avoid, remedy or mitigate adverse effects on the rural or coastal character and to complement the rural or coastal character of the area.

#### *Infrastructure*

- (27) Require infrastructure servicing rural subdivision to avoid, remedy or mitigate adverse effects on rural character and amenity.
- (28) Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to be able to connect to the following networks:
- (a) wastewater;
  - (b) stormwater; and

- (c) potable water.
- (29) Require all new sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
  - (b) management of wastewater via an on-site wastewater treatment system, or approval to connect to a private wastewater network; and
  - (c) potable water
- (30) Require subdivision to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
  - (b) in a manner consistent with stormwater management policies in E1 Water quality and integrated management;
  - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in E1 Water quality and integrated management;
  - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
  - (e) to maintain or progressively improve water quality;
  - (f) to integrate drainage reserves and infrastructure with surrounding development and public open space networks; and
  - (g) in an integrated and cost-effective way.
- (31) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.
- (32) Enable subdivision for network utility purposes while avoiding, remedying or mitigating the adverse effects.

#### **E39.4. Activity table**

Tables E39.4.1 to E39.4.5 specify the activity status of subdividing land pursuant to section 11 of the Resource Management Act 1991 within the following zones:

- Rural – Rural Production Zone,
- Rural - Mixed Rural Zone,
- Rural – Rural Coastal Zone,

- Rural – Rural Conservation Zone
- Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone
- Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision within the National Grid Corridor Overlay, the activity status for subdivision in the rural zones as listed in Tables E39.4.1 to E39.4.5 below will apply unless there are different provisions in D26 National Grid Corridor Overlay in which case the overlay provisions will take precedence.

For all other subdivision refer to E38 Subdivision – Urban.

An activity listed in Table E39.4.1 Subdivision for specified purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E39.4.2 Subdivision in rural zones, E39.4.3 Subdivision in Future Urban Zone, E39.4.4 Subdivision in Special Purpose – Quarry Zone and E39.4.5 Subdivision in Rural - Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Where a proposed subdivision activity fits into activities listed in Table E39.4.1 and those listed in Tables E39.4.2, E39.4.3, E39.4.4, or E39.4.5, then the activity status listed for each activity in each table also applies.

Refer to D12 Waitākere Ranges Heritage Area Overlay for areas and sites subject to specific subdivisions provisions in the Waitākere Ranges Heritage Area.

**Table E39.4.1 Subdivision for specified purposes**

Activity		Activity Status
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
(A2)	Subdivision for a network utility	P
(A3)	Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A4)	Boundary adjustments not exceeding 10 per cent of the original site area and meeting Standard E39.6.3.2	C
(A5)	Subdivision establishing an esplanade reserve	RD
(A6)	Subdivision establishing an esplanade strip	D
(A7)	Any reduction or waiver of esplanade reserves or strips	D

(A8)	Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> <li>• 1 per cent annual exceedance probability floodplain;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) area;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;</li> <li>• coastal erosion hazard area; or</li> <li>• land which may be subject to land instability.</li> </ul>	RD
(A9)	Any subdivision listed in this table not meeting standards in E39.6.1	D
(A10)	Boundary adjustments unable to comply with controlled activity rule and standards in E39.6.3.2 and E39.6.3	D

**Table E39.4.2 Subdivision in rural zones (excluding Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone)**

Activity		Activity Status
(A11)	Subdivision for open spaces, reserves or road realignment	D
(A12)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone complying with Standard E39.6.5.1	D
(A13)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone not complying with Standard E39.6.5.1	NC
(A14)	Subdivision in the Rural – Countryside Living Zone complying with Standard E39.6.5.2	D
(A15)	Subdivision in the Rural – Countryside Living Zone not complying with Standard E39.6.5.2	NC
(A16)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay, and complying with Standard E39.6.4.4	RD
(A17)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.4	NC
(A17A)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on Map [X] up to	RD

	a maximum of 6 sites from protection of indigenous vegetation and 2 sites from protection of freshwater wetland complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931).	
(A17B)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on Map [X] on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply).	NC
(A17C)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.4	<u>RD</u>
(A17D)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.4	NC
(A18)	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5	RD
(A19)	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5	NC
(A20)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay complying with Standard E39.6.4.6	RD
(A21)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.6	NC
(A21A)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on Map [X] up to a maximum of 76 sites from protection of indigenous vegetation and 6 sites from protection of freshwater wetland complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931).	RD
(A21B)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on Map [X] on land described	NC

	as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply).	
(A21C)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.6	RD
(A21D)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.6	NC
(A22)	Transferable rural sites subdivision through establishing revegetation planting complying with Standard E39.6.4.6	RD
(A23)	Transferable rural sites subdivision through establishing revegetation planting not complying with Standard E39.6.4.6	NC
(A24)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area complying with Standard E39.6.4.7	RD
(A25)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area not complying with Standard E39.6.4.7	NC
(A26)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A27)	Any other subdivision not provided for in Tables E39.4.1 or E39.4.2	NC

**Table E39.4.3 Subdivision in Future Urban Zone**

<b>Activity</b>		<b>Activity Status</b>
(A28)	Subdivision for open spaces, reserves or road realignment	D
(A29)	Any other subdivision not provided for in Table E39.4.1 or E39.4.3	NC



**Table E39.4.4 Subdivision in Special Purpose – Quarry Zone**

Activity		Activity Status
(A30)	Any other subdivision not provided for in Table E39.4.1	D

**Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone**

Activity		Activity Status
(A31)	Subdivision in the Rural – Waitākere Foothills Zone creating site size with a minimum site size of 4ha complying with Standard E39.6.3.2	C
(A32)	Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	D
(A33)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone not complying with Standard E39.6.5.3, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	Pr
(A35)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36)	Subdivision in the Rural – Waitākere Foothills Zone or Rural – Waitākere Ranges Zone not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	NC
(A37)	<i>[deleted]</i>	

**E39.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E39.4.1 or Table E39.4.5 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables E39.4.1 to E39.4.5 and which is not listed in E39.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### **E39.6. Standards**

Subdivision listed in Tables E39.4.1 to E39.4.5 must comply with the relevant standards in E39.6.1 General standards (except as otherwise provided in Standard E39.6.5.1(2)), and the relevant standards for permitted, controlled, restricted discretionary and discretionary activities in E39.6.2 to E39.6.5.

#### **E39.6.1. General standards**

##### **E39.6.1.1 Specified building area**

- (1) A specified building area must be clearly identified on every site on a subdivision scheme plan on which a building is to be constructed.
- (2) Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include:
- (a) the location of the existing dwelling;
  - (b) indicate that the dwelling will be removed from the site; or
  - (c) the new location of the existing dwelling that will be relocated.
- (3) The specified building area must meet all of the following:
- (a) include a single area of at least 2,000m<sup>2</sup> clear of all of the following:
    - (i) all yards;
    - (ii) one per cent annual exceedance probability floodplain areas;
    - (iii) coastal storm inundation 1 per cent annual exceedance probability (AEP) area;
    - (iv) coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;
    - (v) coastal erosion hazard area;
    - (vi) land which may be subject to land instability;
    - (vii) access to all proposed building platforms or areas; and
    - (viii) on-site private infrastructure required to service the intended use of the site.
  - (b) be able to be linked by adequate and appropriate vehicle access to a formed public road;
  - (c) be identified as the only place within the site where dwellings, any accessory buildings, and related parking and manoeuvring areas can be located; and

(d) be located outside of the Quarry Buffer Area Overlay.

#### **E39.6.1.2 Access and entrance strips**

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
  - (a) are being created for reserves, network utilities or road closure; or
  - (b) will be amalgamated with another site that already has legal and physical access to a road.

#### **E39.6.1.3 Services**

- (1) For all proposed sites capable of containing a building, or for cross-lease, unit title, strata title or company lease, each building must be designed and located so that provision is made for all of the following services:
  - (a) collection, treatment and disposal of stormwater;
  - (b) collection, treatment and disposal of wastewater;
  - (c) water supply;
  - (d) electricity supply; and
  - (e) telecommunications.
- (2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

#### **E39.6.1.4. Staging**

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This detail must include all of the following:
  - (a) the time period over which the development is likely to take place;
  - (b) the areas of land subject to the proposed stages; and
  - (c) the balance area of the site remaining after the completion of each stage.

#### **E39.6.1.5 Overland flow paths**

- (1) All subdivision must be designed to incorporate overland flow paths existing on the site.
- (2) Stormwater must exit the site in a location that does not increase the risks of hazards to downstream properties.

### **E39.6.1.6 Existing vegetation on the site**

- (1) All subdivision plans, excluding boundary adjustments subdivision plans, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
  - (a) any areas identified as a Significant Ecological Area in the D9 Significant Ecological Areas Overlay; or
  - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

### **E39.6.2. Standards - permitted activities**

Subdivision listed as a permitted activity in Table E39.4.1 Subdivision for specified purposes must comply with the relevant standards in E39.6.1 General standards, and E39.6.2 Standards – permitted activities.

#### **E39.6.2.1. Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease or unit title subdivision is not involved**

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

#### **E39.6.2.2. Subdivision for a network utility**

- (1) The network utility activity must meet one of the following:
  - (a) be a permitted activity pursuant to E26 Infrastructure; or
  - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice must be required to state that land that is no longer required for the network utility after it disestablishes, must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.
- (4) Sites must have access to a legal road through an appropriate legal mechanism.

### **E39.6.3. Standards - controlled activities**

Subdivision listed as a controlled activity in Table E39.4.1 Subdivision for specified purposes and Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere

Ranges Zone must comply with the relevant standards in E39.6.1 General standards and in E39.6.3 Standards – controlled activities.

#### **E39.6.3.1. Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners**

- (1) All buildings must meet one of the following:
  - (a) have existing use rights;
  - (b) comply with the relevant overlays, Auckland-wide and zone standards; or
  - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent, and only created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

#### **E39.6.3.2. Boundary adjustments that do not exceed 10 per cent of the original site size**

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.
- (3) All sites must remain compliant with the applicable minimum site area and minimum average site area for the relevant zones.
- (4) Boundary adjustments must not result in the creation of additional titles.
- (5) If any boundary adjustment under this control creates the potential for additional subdivision creating additional sites or additional dwellings over and above what was possible for each site prior to the boundary adjustment a legal covenant or consent notice under s. 221 of the RMA is to be registered on the titles prohibiting any further such subdivision or new dwellings under Rules in Chapters E39 and H19.

#### **E39.6.4 Standards - restricted discretionary activities**

Subdivision listed as a restricted discretionary activity in Table E39.4.1 Subdivision for specified purposes or Table E39.4.2 Subdivision in rural zones must comply with the relevant standards set out in E39.6.1 General standards and E39.6.4 Standards – restricted discretionary activities unless otherwise specified.

#### **E39.6.4.1. Subdivision establishing an esplanade reserve**

- (1) Any subdivision involving the creation of sites less than 4 hectare which adjoins the line of the mean high water springs, or the bank of a river or stream 3 metres or more in width, or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water springs, or the bank of a river, stream or the margin of any lake.
- (3) Standards E39.6.4.1(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

#### **E39.6.4.2. Subdivision of a site within the one per cent annual exceedance probability floodplain**

- (1) Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:
  - (a) contain a specified building area that meets the requirements of Standard E39.6.1 General standards; or
  - (b) be in accordance with a land use consent that authorises development or building in the floodplain.

#### **E39.6.4.3. Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area**

- (1) Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in (a) to (c) below are located outside of any land subject to coastal erosion or coastal storm inundation:
  - (a) a specified building area that meets the requirements of Standard E39.6.1 General standards;
  - (b) access to all proposed building platforms or areas; and
  - (c) on-site private infrastructure required to service the intended use of the site.

#### **E39.6.4.4. In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; and in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1)**

Refer to Appendix 15 Subdivision information and process for further information in relation to in-situ subdivisions.

- (1) The indigenous vegetation or wetland to be protected must either be:
- (a) identified in the Significant Ecological Areas Overlay or shown on Map [X]; or
  - (b) must be assessed by a suitably qualified and experienced person (e.g. for example, ecologist) who must determine that it meets one or more of the Significant Ecological Areas factors identified in Policy B7.2.2(1) and detailed in the factors and sub-factors listed in Schedule 3 Significant Ecological Areas - Terrestrial Schedule. A report by that person must be prepared and must be submitted to support the application.
- (2) The maximum number of sites created from the protection of indigenous vegetation or wetland must comply with Table E39.6.4.4.1.

**Table E39.6.4.4.1 Maximum number of new rural residential sites to be created from protection of indigenous vegetation or wetland either identified in Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1).**

FEATURE PROTECTED	TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
<b>INDIGENOUS VEGETATION</b>	2ha - 9.9999ha	1	4ha - 9.9999ha	1
	10ha - 14.9999ha	2	10ha - 20ha	2
	15ha - 19.9999ha	3	Thereafter for every additional 10ha	+1 To a total of 12 maximum
	20ha - 30ha	4		
	Thereafter for every additional 10ha	+1 No maximum		
<b>WETLAND</b>	0.5ha - 0.9999ha	1	0.5ha - 1.9999ha	1
	1ha - 1.9999ha	2	2ha - 3.9999ha	2
	2ha - 3.9999ha	3	4ha and over	3 maximum
	4ha - 9ha	4		
	Thereafter for every additional 5ha	+1 No maximum		

Note 1 for Table E39.6.4.4.1: Where indigenous vegetation is proposed to be protected using Table E39.6.4.4.1. the area of indigenous vegetation protected can consist of either indigenous vegetation identified in the Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. Where a wetland is proposed to be protected using Table E39.6.4.4.1 the area of wetland can consist of either wetland identified in the Significant Ecological Areas Overlay or shown on Map [X] or meeting the Significant

Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. For example, where the indigenous vegetation comprises 1ha of indigenous vegetation identified in the Significant Ecological Areas Overlay and 1ha meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) the 2ha area will be sufficient to generate one site for TRSS.

Note 2 for Table E39.6.4.4.1: If Rules (A17A) or (A17B) are used to create in-situ sites through protection of indigenous vegetation or freshwater wetland, the number of in-situ sites created must be subtracted from the maximum number of sites that may be created for Transferable Rural Site Subdivision under Rules (A21A) or (A21B).

Note 3 for Table E39.6.4.4.1: If Rules (A21A) or (A21B) are used to create Transferable Rural Site Subdivision through protection of indigenous vegetation or freshwater wetland, any number of sites created over 70 through the protection of indigenous vegetation or any number of sites created over 4 through the protection of freshwater wetland must be subtracted from the maximum number of in-situ sites that may be created under Rules (A17A) or (A17B).

- (2A) The maximum number of in-situ sites created through any combination of the protection of indigenous vegetation, wetland and established native revegetation planting under E39.6.4.4 and E36.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of indigenous vegetation (SEA) or wetland, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.4.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.4.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) A 20 metre buffer is to be applied to the perimeter of the wetland and included as part of the protected area.
- (4) The additional in-situ sites must be created on the same site as the indigenous vegetation subject to protection.

Note: Standard E39.6.4.6 provides a separate subdivision option to enable the transfer of additional lots created via Standard E39.6.4.4.

- (5) The additional in-situ sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (6) Any indigenous vegetation or wetland proposed to be legally protected in accordance with Appendix 15 Subdivision information and process must be identified on the subdivision scheme plan.
- (7) Areas of indigenous vegetation or wetland to be legally protected as part of the proposed subdivision must not already be subject to legal protection.
- (8) Areas of indigenous vegetation or wetland to be legally protected as part of the proposed subdivision must not have been used to support another transferable rural site subdivision or subdivision under this Plan or a previous district plan.



- (9) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation or wetland.
- (10) All applications must include all of the following:
- (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation or wetland and buffer area remain protected in perpetuity. Refer to legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in Appendix 15 Subdivision information and process for further information;
  - (b) the planting plan for restorative planting must follow the specifications as set out in Appendix 15 Subdivision information and process that specifies any restoration measures proposed to be carried out within or adjacent to the indigenous vegetation or wetland proposed to be protected;
  - (c) the plan required in E39.6.4.4(10)(a) and (b) must be prepared by a suitably qualified and experienced person.
- (11) Indigenous vegetation or wetland to be protected must be made subject to a legal protection mechanism meeting all of the following:
- (a) protection of all the indigenous vegetation or wetland and wetland buffer existing on the site at the time the application is made, even if this means protecting vegetation or a wetland larger than the minimum qualifying area; and
  - (b) consistent with the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in Appendix 15 Subdivision information and process.
- (12) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:
- (a) the establishment of secure stock exclusion;
  - (b) the maintenance of the indigenous vegetation or wetland must ensure that all invasive plant pests are eradicated; and
  - (b) the maintenance of the indigenous vegetation or wetland must ensure animal and plant pest control occurs.

**E39.6.4.5. In-situ subdivision creating additional sites through establishing native revegetation planting**

- (1) Any established revegetation planting must meet all of the following:
- (a) not be located on land containing elite soil or prime soil;
  - (b) be located outside any Outstanding Natural Character, High Natural Character or Outstanding Natural Landscape overlays;

- (c) be contiguous with existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); and
  - (d) the criteria as set out in Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings.
- (2) The maximum number of new sites created through establishing revegetation planting must comply with Table E39.6.4.5.1.

**Table E39.6.4.5.1 Maximum number of new sites from establishing native revegetation planting (to be added to existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Areas factors identified in Policy B7.2.2.(1)) subject to protection**

TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
5ha - 9.9999ha	1	5ha - 9.9999ha	1
10ha - 14.9999ha	2	10ha - 14.9999ha	2
15ha - 19.9999ha	3	15ha and over	3 maximum
20ha - 24.9999ha	4		
Thereafter for every additional 5ha	+1 to maximum of 6		

- (2A) The maximum number of in-situ sites created through any combination of the protection of established native revegetation planting, indigenous vegetation and wetland under E39.6.4.4 and E36.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of established native revegetation planting, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.5.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.5.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) Any new in-situ site must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (4) Any established revegetation planting proposed must be legally protected.

- (5) Areas subject to revegetation planting must be subject to a legal protection mechanism that:
  - (a) protects all the existing indigenous vegetation on the site at the time of application as well as the additional area subject to any revegetation planting; and
  - (b) meets the requirements as set out in Appendix 15 Subdivision information and process.
- (6) All applications must include all of the following:
  - (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation remain protected in perpetuity. Refer to the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in Appendix 15 Subdivision information and process for further information;
  - (b) a planting plan for revegetation planting which outlines the revegetation planting proposed to be carried out within or adjacent to the indigenous vegetation proposed to be protected in accordance with Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings; and
  - (c) the plans required in E39.6.4.5(6)(a) and (b) must be prepared by a suitably qualified and experienced person.
- (7) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:
  - (a) the establishment of secure stock exclusion;
  - (b) the maintenance of plantings that must occur until the plantings have reached a sufficient Maturity to be self-sustaining, and have reached 80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;
  - (c) the maintenance of plantings must include the ongoing replacement of plants that do not survive;
  - (d) the maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth; and
  - (e) the maintenance of plantings must ensure animal and plant pest control occurs.
- (8) The subdivision resource consent must be made subject to a condition that requires the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation to be protected.

**E39.6.4.6. Transferable rural site subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; or transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); or transferable rural sites subdivision through establishing revegetation planting**

Refer to Appendix 15 Subdivision information and process and Appendix 16 Guideline for native revegetation plantings for further information on transferable rural sites subdivisions and revegetation planting.

- (1) All transferable rural sites subdivisions applications involving protection of indigenous vegetation or wetlands must meet all of the standards that are applicable for:
  - (a) the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on Map [X] as set out in Standard E39.6.4.4; or
  - (b) the protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) as set out in Standard E39.6.4.4: or
  - (c) the creation of sites through establishing revegetation planting as set out in Standard E39.6.4.5.
- (2) A donor site (being the site with the indigenous vegetation, wetland or the revegetation planting to be protected) must not be the same site as a receiver site.
- (3) The receiver site must be located within a Rural - Countryside Living Zone and be identified as an eligible receiver site by the subdivision variation control on the planning maps.
- (4) Sites being subdivided must have a minimum net site area and average net site area that complies with the transferable rural sites subdivision in the Rural - Countryside Living Zone as set out in Table E39.6.5.2.1 Minimum and average net site areas.
- (5) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the receiver site or sites to be deposited after, and not before, the protective covenant has been legally registered against the title containing the covenanted indigenous vegetation or wetland as applicable.

**E39.6.4.7. Transferable rural site subdivision through the amalgamation of donor sites, including sites identified in Appendix 14 Land amalgamation incentivised area**

- (1) Prior to amalgamation of donor sites, all applications for amalgamation of donor sites must meet the following:
  - (a) donor sites must be abutting;
  - (b) one of the two donor sites must not contain a dwelling unless the resulting amalgamated site is permitted by this Plan to have more than one dwelling;

- (c) donor sites must be zoned either Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone or Rural - Rural Conservation Zone;
  - (d) the land must contain at least 90 per cent elite soil or prime soil. The applicant must provide a detailed Land Use Capability (LUC) soil assessment confirming that donor sites contain at least 90 per cent elite land or prime land. The assessment must be prepared by a suitably qualified and experienced person;
  - (e) each site must have a net site area of between 1 and 20 hectares;
  - (f) sites must have been in existence, or be shown on an approved scheme plan of subdivision; and
  - (g) sites must not comprise part or all of a closed road, road severance, or designation.
- (2) Following amalgamation of donor sites, all donor sites must meet all of the following:
- (a) be held in a single certificate of title;
  - (b) rescinded in such a way that replacement titles cannot be reissued;
  - (c) made subject to a legal protection mechanism that states all of the following:
    - (ix) the residential development rights attaching to the donor sites have been used to create a transferable rural sites subdivision under the Plan and must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent;
    - (x) the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment; and
    - (xi) the new site has no further potential to be used for the purpose of a transferable rural site subdivision.
- (3) Following amalgamation of donor sites, all receiver sites must meet all of the following:
- (a) be subdivided into no more sites than those permitted by Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites;

**Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites**

<b>Transferable rural sites subdivision by way of amalgamation</b>	
<b>Criteria</b>	<b>Maximum number of new sites for transfer</b>
Amalgamation of two eligible donor sites as identified in Appendix 14 Land amalgamation incentivised	Two new sites for every two donor sites amalgamated

area and complying with Standard E39.6.4.7(1)	
Amalgamation of two eligible donor sites outside the land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	One new site for every two donor sites amalgamated

- (b) the donor site must not be the same site as a receiver site;
- (c) be located within sites zoned as Rural – Countryside Living Zone and be identified as an eligible receiver site by the Subdivision Variation Control on the planning maps;
- (d) have a minimum net site area complying with the minimum net site area and average net site area with transferable rural sites subdivision as set out in Table E39.6.5.2.1 Minimum and average net site areas;
- (e) be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after, and not before, the plan of subdivision for the amalgamation of donor sites has been deposited.

### **E39.6.5 Standards - discretionary activities**

Subdivision listed as a discretionary activity in Table E39.4.2 and Table E39.4.2.5 must comply with the relevant standards in E39.6.1 General standards and E39.6.5 Standards - discretionary activities.

#### **E39.6.5.1 Subdivision in the Rural - Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, and Rural - Rural Conservation Zone**

- (1) Subdivision in these rural zones must meet the minimum average site size and minimum site size requirement as set out in Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision.

**Table E39.6.8.1.1 Minimum average site size and minimum site size for subdivision**

Zone	Minimum average site size (ha)	Minimum site size (ha)
Rural - Rural Production	100	80
Rural - Mixed Rural	50	40
Rural - Rural Coastal	50	40
Rural - Rural Conservation	20	10

- (2) Subdivision of the land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931)
- (a) Is not required to comply with General Standards E39.6.1.1 to E39.6.1,5 where the subdivision resource consent is made subject to a legal mechanism to ensure no dwellings can be established on the new sites created (although this mechanism shall not affect the establishment of dwellings on the balance parent site);
- (b) Shall be deemed to meet the access requirements in Standards E39.6.1.1(3)(b) and E39.6.1.2 if access by sea to the proposed sites is provided.

### E39.6.5.2. Subdivision in the Rural – Countryside Living Zone

- (1) Subdivision in the Rural – Countryside Living Zone must meet all of the following:
- (a) proposed site sizes and average net site areas must comply with the minimum net site areas specified in Table E39.6.5.2.1 Minimum and average net site areas;
- (b) the average net site area of all sites following subdivision must be calculated per subdivision scheme plan, and no credits will be carried forward to future subdivision scheme plans;
- (c) the minimum frontage for all front sites must be 15 metres; and
- (d) the minimum frontage for rear sites must be 6 metres.

Transferable rural site subdivision receiver sites must be located in the Rural – Countryside Living Zone locations listed in Table E39.6.5.2.1 Minimum and average net site areas and be identified as eligible receiver sites by the Subdivision Variation Control on the planning maps.

In this table, N/A means the transferable rural site subdivision mechanism is not provided for in that particular location.

**Table E39.6.5.2.1 Minimum and minimum average net site areas**

Location of Rural – Countryside Living Zone	Minimum net site area and average net site area without transferable rural site subdivision	Minimum net site area and average net site area with transferable rural site subdivision
Rural – Countryside Living Zone areas not identified below	Minimum: 2ha	N/A
Wellsford Kaukapakapa Helensville	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Warkworth	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha

Matakana Kumeu - Huapai Paremoremo - Albany Heights	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Algies Bay	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Puhoi Parakai	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Average: 1ha
Waimauku	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
South Rodney	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Whitford (excluding precinct and Caldwell's Road)	Minimum: 2ha Minimum average: 4ha	N/A
Whitford - Caldwell's Road	Minimum: 1ha Minimum average: 2ha	N/A
Papakura	Minimum: 1ha	N/A
Point Wells	Minimum: 5,000m <sup>2</sup> Minimum average: 7,500m <sup>2</sup>	N/A
Runciman	Minimum: 2ha	Minimum: 8,000m <sup>2</sup> Minimum average: 1ha
Swanson (outside precinct)	Minimum: 4ha	N/A

### E39.6.5.3. Subdivision in Rural – Waitākere Ranges Zone

- (1) The average site size must be greater than 4 hectares.
- (2) The average site size must be calculated over the net site area of the site as it existed as of 14 October 1995.
- (3) The minimum net site area must be 2 hectares.
- (4) The subdivision must not create any new road.
- (5) Subdivision must not create development or establishment of buildings within land areas identified in the Significant Ecological Areas Overlay.



## **E39.7. Assessment – controlled activities**

### **E39.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
  - (a) compliance with an approved resource consent except for boundary adjustment subdivision;
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
  - (c) the effects of infrastructure provision; and
  - (d) the effects on historic heritage and cultural heritage items.

### **E39.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) all controlled activities:
  - (a) compliance with an approved resource consent except for boundary adjustment subdivision:
    - (i) refer to Policy E39.3(6);
  - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
    - (i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;
    - (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and
    - (iii) refer to Policy E39.3(24), (25) and (26);
  - (c) the effects of infrastructure provision:
    - (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
    - (ii) refer to Policy E39.3(27) and (31).
  - (d) the effects on historic heritage and cultural heritage items;

- (i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and
- (ii) refer to Policy E39.3(4).

(2) Subdivision in the Rural – Waitākere Foothills Zone:

- (a) Policies E39.3(1), (4), (6), (10), (11), (13), (16), (167), (19), (24) and (27) - (32).

## **E39.8. Assessment - restricted discretionary activities**

### **E39.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) subdivision of a site within the one per cent annual exceedance probability floodplain:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events.
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.
- (3) subdivision of a site in the coastal erosion hazard area:
  - (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.
- (5) subdivision establishing an esplanade reserve:
  - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:

- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or areas shown on Map [X], do not unnecessarily compromise other elements of rural character and amenity:
  - (i) the number of sites created, site size, building platforms locations, access;
  - (ii) the rural character, landscapes and amenity;
  - (iii) the location of the indigenous vegetation, wetland and/or revegetation planting relative to proposed new sites and to existing vegetation;
  - (iv) the quality of the indigenous vegetation, wetland and/or revegetation planting to be protected;
  - (v) the compliance with Auckland-wide rules;
  - (vi) any management plans for the ongoing protection and management of indigenous vegetation, wetland or revegetation planting;
  - (vii) the provision of adequate access to existing and new infrastructure and provision of appropriate management of effects of stormwater;
  - (viii) the legal protection for indigenous vegetation, wetland or revegetation planting;
  - (ix) any reverse sensitivity effects; and
  - (x) the location of identified building areas platforms relative to areas of significant mineral resources.
  
- (7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; or transferable rural sites subdivision through establishing revegetation planting:
  - (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or areas shown on Map [X], do not unnecessarily compromise other elements of rural character and amenity:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the number and size of new sites created on the receiver sites and compliance with minimum and average net site areas in the Rural Countryside: Living Zone; and
    - (iii) the timing and co-ordination of the protection of indigenous vegetation, wetland and revegetation planting on donor site relative to the creation of new sites on the receiver site.

- (8) transferable rural site subdivision through the amalgamation of donor sites, including those sites identified in Appendix 14 Land amalgamation incentivised area:
  - (a) effects associated with the below matters, having regard to the need to ensure the long term protection of elite soils and their availability for rural production purposes, without compromising other elements of rural character and amenity, or rural resources:
    - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
    - (ii) the location and the soil qualities of the donor sites;
    - (iii) the degree to which new sites created from receiver sites comply with the Auckland-wide rules;
    - (iv) the suitability of the transferred sites for rural residential purposes having regard to the objectives, policies and rules for the Rural – Countryside Living Zone.

### **E39.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) subdivision of a site within the one per cent annual exceedance probability floodplain and flood prone areas:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
    - (i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;
    - (ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;
    - (iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and
    - (iv) refer to Policy E39.3(2).
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:
    - (i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area;
    - (ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;

- (iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;
  - (iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and
  - (v) Policy E39.3(2).
- (3) subdivision of site in the coastal erosion hazard area:
  - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
    - (i) whether public access to the coast is affected;
    - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
    - (iii) Policy E39.3(2).
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as "land which may be subject to land instability", or other unstable soils as identified through a specific site assessment:
  - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:
    - (i) the extent to which the proposed sites are stable and suitable;
    - (ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and
    - (iii) Policy E39.3(2).
- (5) subdivision establishing an esplanade reserve:
  - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:
    - (i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and
    - (ii) Policies E39.3(1), (21), (22) and (23).
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X];  
in-situ subdivision creating additional sites through protection of indigenous vegetation

or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2.(1) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:

- (a) Policies E39.3(1), (15), (16), (17), (18), (23) - (26) and (28) - (30).
- (7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on Map [X]; transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; transferable rural sites subdivision through establishing revegetation planting:
- (a) Policies E39.3(1), (11), (12), (13), (15), (16), (17), (18), (23) - (26) and (28) to (30).
- (8) transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area:
- (a) Policies E39.3(1), (3), (9), (11), (12), (13), (15), (16), (17), (18) and (28) to (30).

#### **E39.9. Special information requirements**

There are no special information requirements in this section.

[Map X to be added]

# FINAL RURAL SUBDIVISION PROVISIONS FOLLOWING ENVIRONMENT COURT DECISION [2021] NZEnvC 010

## **H19. RURAL ZONES**

### **H19.1 Background**

There are five rural zones: ...

### **H19.7 Rural – Countryside Living**

#### **Zone H19.7.1. Zone description**

This zone provides for rural lifestyle living in identified areas of rural land which are generally closer to urban Auckland or rural and coastal towns. There is a diversity of topography, land quality and landscape character within the zone which results in a diversity of site sizes. The zone is the receiver area for transferable rural site subdivision from other zones.

This zone incorporates a range of ....

**FINAL RURAL SUBDIVISION PROVISIONS FOLLOWING ENVIRONMENT COURT  
DECISION [2021] NZEnvC 010**

**Appendix 15 Subdivision information and process**

**15.1. Introduction**

This appendix includes additional information for subdivision resource consent applications. Refer to the Council’s website for further information on how to apply for subdivision resource consent.

All references to the Significant Ecological Area Overlay in this Appendix should be read as also including the areas on Map [X]

**15.2. Vesting of Assets**

...

**15.3. Transferable rural site subdivision**

**15.3.1. Process**

- (1) A Transferable Rural Site Subdivision (TRSS) is the transfer of the rural - residential development potential of rural sites from one location to the Countryside Living Zone through a subdivision process. This process may be carried out in the following ways:
  - (a) through the protection of indigenous vegetation or wetland either identified in the D9 Significant Ecological Areas Overlay or meeting Significant Ecological Areas factors as set out in the regional policy statement, and established revegetation planting meeting relevant criteria; or
  - (b) through the amalgamation of donor sites: amalgamating two existing and abutting rural zoned sites (excluding a Rural - Countryside Living Zone site), and transferring the development potential of the 'amalgamated' site to the Countryside Living Zone.
- (2) The new or additional site is located in Rural - Countryside Living zoned sites identified on the planning maps by the Subdivision Variation Control.
- (3) The process is the same if more than two donor sites are amalgamated, or if more than one block of qualifying indigenous vegetation or wetland is protected.

**Table 15.3.1.1 Transferable rural site subdivision process**

Step	Transferable rural site subdivision process through the amalgamation of donor sites	Transferable rural site subdivision process through the protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or meeting the Significant Ecological Areas



		<b>factors or established revegetation planting meeting relevant criteria</b>
1	<p>Identify the following:</p> <p>a. two donor sites abutting each other, one of which is vacant;</p> <p>b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS - see Table E39.6.5.2.1 Minimum and minimum average net site areas in E39 Subdivision - Rural</p>	<p>Identify the following:</p> <p>a. an area of indigenous vegetation or wetland (on the donor site) that:</p> <ul style="list-style-type: none"> <li>- is identified in the Significant Ecological Areas overlay;</li> <li>- meets the Significant Ecological Areas factors set out in Policy B7.2.2(1); or</li> <li>- is established with revegetation planting meeting relevant criteria.</li> </ul> <p>b. a site zoned Rural - Countryside Living Zone identified as suitable as a receiver site for TRSS - see Table E39.6.5.2.1 Minimum and minimum average net site areas in E39 Subdivision - Rural.</p>
2	<p>Application made to Council:</p> <p>a. to amalgamate two donor sites into one new site; and</p> <p>b. to subdivide the receiver site.</p>	<p>Application made to Council:</p> <p>a. subdivide the property containing indigenous vegetation, wetland or revegetation planting to create the residential development opportunity; and</p> <p>b. transfer the residential development opportunity to the receiver site in a Countryside Living Zone.</p>
3	Gain subdivision consent approval	Gain subdivision consent approval
4	Comply with consent conditions	Comply with consent conditions
5	<p>Apply to Land Information New Zealand to:</p> <p>a. issue one new certificate of title in place of the original donor sites; and</p>	<p>Apply to Land Information New Zealand to:</p> <p>a. attach an appropriate legal protection mechanism to the</p>

	<p>b. issue two new certificates of title for the new sites created from the receiver site after the title for the donor sites has been issued.</p>	<p>donor site for the protection of the indigenous vegetation, wetland or revegetation planting; and</p> <p>b. issue two new certificates of title for the new sites created from the receiver site.</p>
--	---	--

### 15.3.2. Explanation of terms

- (1) A donor site may be one of the following:
- (a) two abutting rural sites being amalgamated;
  - (b) a rural site containing rural-residential development potential created from one of the following situations:
    - (i) a site containing indigenous vegetation or wetland identified in the D9 Significant Ecological Areas Overlay;
    - (ii) A site containing an indigenous vegetation area or wetland meeting the Significant Ecological Areas factors as identified in Policy B7.2.2(1); or
    - (iii) a site establishing revegetation planting.
- (2) A receiver site is a Rural - Countryside Living zoned site identified on the planning maps by the Subdivision Variation Control.

### 15.4. Protection of existing indigenous vegetation

...

### 15.5 Legal protection mechanism to protect indigenous vegetation, wetland or re-vegetation planting:

- (1) The legal protection mechanism must include all of the following:
- (a) permanent protection of the vegetation or wetland on the site;
  - (b) implementation of a management plan;
  - (c) permanent exclusion of all livestock from the protected area; and
  - (d) the protected area to be maintained in perpetuity, including carrying out pest control measures.
- (2) Where the Plan refers to indigenous vegetation or wetland to be subject to a legal protection mechanism, that mechanism must include the following:
- (a) legal protection of the indigenous vegetation or wetland and any area of required revegetation plantings in perpetuity. An agreement to the satisfaction of the council regarding an encumbrance, bond, consent notice, covenant or vesting as

reserve must be entered into before the issue of the section 224(c) certificate under the Resource Management Act 1991;

- (b) where applicable the legal protection mechanism must be in accordance with the relevant terms of the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977. The legal instrument must provide protection in perpetuity, and must include enforcement and penalty provisions;
  - (c) where revegetation planting is required as a condition of the subdivision consent, the section 224(c) certificate will be issued only after the required works have been undertaken and the planting has satisfied the required consent conditions. This includes implementation of an animal and plant pest management plan. 'Animal pests' are those animal species listed as 'total control pests', 'containment pests', or 'surveillance pests' in the Auckland Council's current Regional Pest Management Strategy;
  - (d) all certification required must be carried out by a suitably qualified and experienced person and at the applicant's expense, and a report must be provided to Council. In this context, a person will not be considered to be suitably qualified and experienced unless they are a qualified ecologist with appropriate experience in this type of work.
- (3) The indigenous vegetation or wetland and any area of required revegetation plantings to be protected must be maintained free of livestock through appropriate stock proof fencing, or if livestock access to the vegetation is prevented by topographical or natural features then stock proof fencing may not be required.

### **15.6 Revegetation planting**

- (1) A planting plan for any revegetation planting is required prior to a section 224(c) certificate being issued and must identify the following:
- (a) the ecological district of the site;
  - (b) the characteristics of the soil (i.e. clay, silt, loam etc.);
  - (c) soil drainage;
  - (d) topography of the area to be planted;
  - (e) location and extent of the area to be planted;
  - (f) exposure of the site to wind, frost, sunlight and salt spray;
  - (g) presence of plant and animal pests;
  - (h) presence of any threatened species and if necessary the process for the translocation of threatened species,
  - (i) stock-proof fencing that should be at least a full seven wire, post and batten fence, planting areas, weed and animal pest control;



- (j) extent of the existing Significant Ecological Areas (indigenous vegetation) and an outline of the biodiversity of the Significant Ecological Areas (indigenous vegetation) and the land in the subdivision;
  - (k) any restrictions on planting, such as existing infrastructure, safety or existing access issues;
  - (l) how revegetation planting will be ecologically linked to an area of contiguous Significant Ecological Areas (indigenous vegetation) and if possible any other additional existing ecological corridors or connections;
  - (m) how revegetation planting will provide robust and high value ecological connections without gaps to the Significant Ecological Areas;
  - (n) how revegetation planting will buffer the Significant Ecological Areas and ensure long term viability and resilience of the Significant Ecological Areas;
  - (o) site planting, including species to be planted, size and spacing of plants and where they are to be planted, requirements for replacement of pest plants with appropriate native species and measures to minimise reinvasion of pest plants;
  - (p) measures for the maintenance of planting, including releasing plants, fertiliser, plant and animal pest control and mulching and replacement of plants which do not survive, and measures for animal and plant pest control;
  - (q) protective measures proposed to ensure the Significant Ecological Areas (indigenous vegetation) and any proposed restoration planting remain protected in perpetuity;
  - (r) details confirming that revegetation planting is only to be carried out contiguous to the Significant Ecological Areas (consisting of indigenous vegetation);
  - (s) confirmation that the assessment of whether the maintenance of plantings has been achieved shall be undertaken by a suitably qualified independent ecologist according to a quantitative monitoring programme.
- (2) The location and species composition of the restoration planting is to achieve the following:
- (a) provide necessary protection and restoration of the Significant Ecological Areas to ensure its long term viability, health, and significance;
  - (b) facilitate the use of natural regeneration processes to ensure that in the long term these natural regeneration processes take over;
  - (c) provide for the protection and restoration of the Significant Ecological Areas and provide robust linkages between ecological features;
  - (d) provide a sustainable, potentially significant forest, wetland or shrubland.
- (3) The following matters must be implemented prior to a section 224(c) certificate is issued and confirmation is provided:

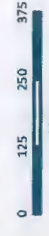
- (a) the establishment of secure stock exclusion that is at least a full seven wire, post and batten fence;
  - (b) the planting of native vegetation at a density detailed below or at some other density considered more appropriate for the site circumstances by Council:
    - (i) an average density of 1.4 metre centres (5,100 stems per hectare) reducing to 1 metre centres (10,000 stems per hectare) in kikuyu and wetland and riparian margins;
    - (ii) sourced from the ecological district and to be appropriate for the soil, aspect, exposure and topography; and
    - (iii) reflect the composition of former natural vegetation likely to have occupied the site and include appropriate native species that will enable natural processes of succession;
  - (c) the maintenance of any plantings must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached 80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;
  - (d) the maintenance of any plantings must include the ongoing replacement of plants that do not survive;
  - (e) the maintenance of any plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on- going basis and plants released from kikuyu as necessary to ensure adequate growth; and
  - (f) the maintenance of any plantings must ensure animal and plant pest control occurs.
- (4) The planting plan must be prepared and confirmed by a suitably qualified and experienced person.

Annexure D





 Indigenous vegetation (749.7 ha)  
 Freshwater wetland (14.6 ha)



Scale @ A3  
= 1:14,129

Date Printed:  
15/03/2018

**Indigenous vegetation and freshwater wetland recognised as Significant Ecological Areas on Lot 1 DP173316, DP 25125, DP7067 (CFR NA106B/436) and Part Island of Kowau (CFR NA55B/931)**

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**Auckland Council**  
Te Kaitiaki o Tāmaki Makaurau







## **APPENDIX NINE**

### **EXPERT QUALIFICATIONS AND EXPERIENCE**



**Appendix 9**  
Council Expert Qualifications and Experience

Council Expert	Qualifications and Experience
Matthew Gouge – Planning	<p>I hold the qualification of Master of Resource and Environmental Planning from Massey University (2015).</p> <p>I am an Intermediate Member of the NZ Planning Institute and have 11 years' experience in the field of resource management planning. This time has been split evenly between private consultancy and local government work both in Auckland and within the Waikato Region. I have worked in both resource consenting and policy development, including spatial planning.</p>
Rob Pryor – Landscape and Visual Effects	<p>I am a registered landscape architect and a Director of LA4 Landscape Architects. I hold a Bachelor of Science degree in Psychology from Otago University (1980) and a post-graduate Diploma of Landscape Architecture from Lincoln University (1984). I am a registered member of the New Zealand Institute of Landscape Architects (NZILA).</p> <p>I have over 30 years' experience undertaking landscape assessments in both the public and private sectors on a wide variety of major projects within a range of landscape settings, and I specialise in the preparation of landscape and visual effects assessments. This work has also included providing advice on landscape treatment and mitigation measures to reduce any adverse visual and landscape effects of proposed developments. I have prepared evidence for and appeared before numerous Council, Environment Court and Board of Inquiry hearings in relation to landscape character, visual and amenity effects on the environment.</p>
Dr. Reece Hill – Soils	<p>I hold a Doctor of Philosophy in Soil Science from Lincoln University (2000), a Master of Applied Science in Soil Science from Lincoln University (1994), and a Bachelor of Science with a double major in Biological Sciences and Earth Sciences from University of Waikato (1988).</p> <p>I have completed a Correspondence Certificate in Wine from Eastern Institute of Technology and the Advanced Sustainable Nutrient Management FLRC Short Course from Massey University.</p>

	<p>I am a past President of the New Zealand Society of Soil Science (2014-2016), and a current member of the New Zealand Society of Soil Science, New Zealand Association of Resource Management, and the New Zealand Institute of Agricultural &amp; Horticultural Science.</p> <p>I have more than 25 years' experience working in the soil science discipline, including three years mapping forest soils in Tasmania, 19 years as a Soil Scientist at Waikato Regional Council, and six years as a Soil Consultant at Landsystems, of which I have been full time for the past two years.</p>
Wes Edwards – Traffic	<p>I am a Transportation Advisor and Director of Arrive Limited, a specialist traffic and transport consulting practice. I hold a New Zealand Certificate in Civil Engineering, and a bachelor's degree in civil engineering. I am a Chartered Professional Engineer and an International Professional (APEC) Engineer. I am a Chartered Member of Engineering New Zealand, and a Member of the Institute of Transportation Engineers. I have completed the Ministry for the Environment Making Good Decisions programme.</p>
Iresh Jayawardena – Stormwater and Flooding	<p>I am employed in the capacity of a Senior Healthy Waters Specialist in the Healthy Waters Department of Auckland Council. I hold a PhD in Planning from the University of Auckland and am an Associate Member of the New Zealand Planning Institute.</p> <p>I have over 12 years of planning experience spanning both applied and academic contexts in Sri Lanka and New Zealand, most of which have been in the water sector. I have been employed at Auckland Council since 2018. I initially worked as a Resource Consent Planner in the Regulatory Department and have been in my current position since 23 July 2019.</p>
Zheng Qian – Stormwater and Flooding	<p>I am employed as a Senior Stormwater Catchment Planning Specialist in Healthy Waters of the Auckland Council, has fourteen years' experience in stormwater catchment planning within Council.</p> <p>Degrees: Bachelor of Science and Master of Engineering Studies in Sustainability Engineering.</p>
Carl Tutt – Ecology	<p>I hold the qualifications of Bachelor of Science in Biology and Post Graduate Diploma in Environmental Management from Auckland. I have 8 years' experience working as an ecologist in private and local government sectors.</p>

	<p>I have completed the Auckland Council Stream Ecological Valuation (SEV) training (2015). I am a professional member of the New Zealand Ecological Society, Environment Institute of Australia and New Zealand, New Zealand Freshwater Sciences Society and New Zealand Herpetological Society.</p>
James Beaumont – Geotechnical	<p>James is a senior geotechnical engineer with specialist skills in the areas of soft ground, rock mechanics, excavation engineering, piled foundations, and ground retention. Since graduating in 2002 from Auckland University with a degree in civil engineering, James has gained experience from his work on a broad range of land and building development projects in varied and often technically testing geological conditions.</p> <p>James manages a variety of residential, industrial, commercial, and municipal projects including high-rise buildings with multi-level basements, multi-lot subdivisions with associated infrastructure, peer reviews, remedial works and designs for road underslips. Investigations include earthworks inspections and testing, retaining wall design, stability and liquefaction assessments, finite element modelling, rockmass analysis and PDA pile testing.</p>
Rob Burden – Contaminated Land	<p>I have over thirty-five years' experience in the investigation and management of contaminated land including extensive international experience. I also have over twenty years' experience providing advice to Auckland Council and its predecessors on contaminated land and related issues including policy development.</p> <p>I have a Master of Science (Geochemistry) and Bachelor of Science (Hons).</p>
John Newsome – Water supply and wastewater	<p>My qualifications are a BSc (Earth Sciences, Waikato) together with 10 years-experience with a geotechnical consultancy (Foundation Engineering Ltd 1981 – 1990) and 30 years as a Development Engineer with Council (Manukau City Council/Auckland Council 1991 – 2021).</p>
Dr. Natasha Carpenter – Coastal Hazards	<p>I am the Coastal Management Practice Lead for Auckland Council and an Honorary Fellow of the University of Auckland (School of Environment). I am a member of IPENZ and the New Zealand Coastal Society.</p>

	<p>I hold a PhD in coastal geomorphology from the University of Southampton (UK), Faculty of Engineering and the Environment on the impacts of climate change on soft cliff erosion. My PhD is supported by a Masters in Engineering in the Coastal Environment (MSc, University of Southampton, UK) and a Bachelors in Coastal Zone Environmental Management (BSc Hons, University of Exeter, UK).</p> <p>I have fifteen years' experience as a coastal specialist. Through this period I have worked on a broad range of science, engineering and planning projects, primarily in the UK, New Zealand and Trinidad. This has included management of Auckland Councils coastal hazards (erosion and flooding) data, development of long-term coastal management plans and preparation of expert evidence for a range of coastal engineering and hazards topics.</p>
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## **APPENDIX TEN**

### **CLEVEDON-KAWAKAWA PLAN CHANGE INUNDATION MAP**







  
 0 85 170 340 Metres  
 Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.  
 Date: 2/07/2020

# Clevedon Kawakawa Road Private Plan Change Coastal Inundation



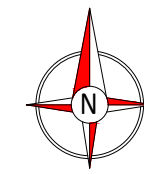
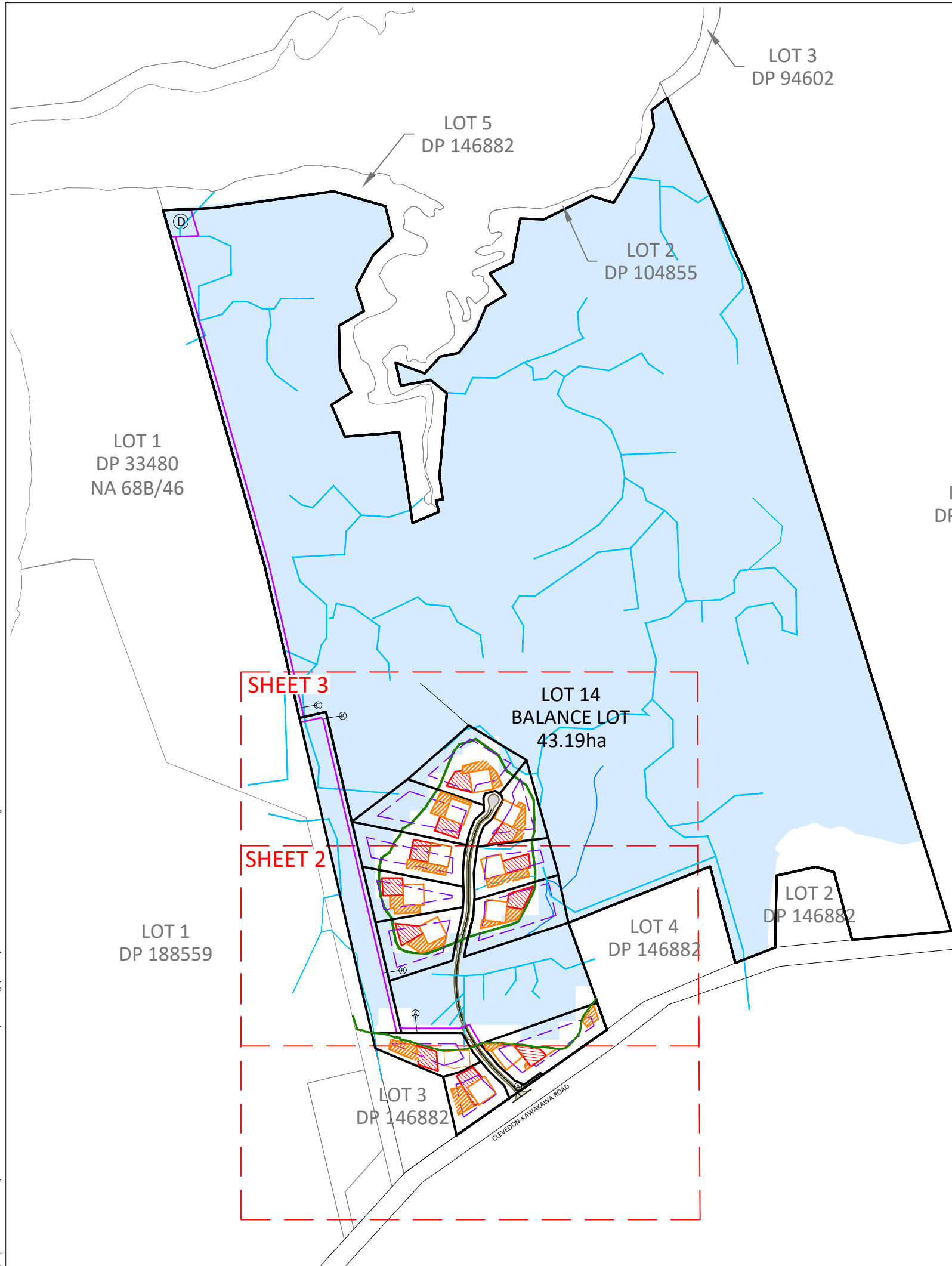




**APPENDIX ELEVEN**

**SUBDIVISION SCHEME PLAN**





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- NOTES:**
- COORDINATES ARE IN TERMS OF MOUNT EDEN CIRCUIT, GEODETIC 2000.  
 ORIGIN: CE43 AE2M  
 mN 788335.92  
 mE 425775.36
  - LEVELS ARE IN TERMS OF AUCKLAND VERTICAL DATUM 1946.  
 ORIGIN OF LEVELS:  
 CE43 (GEOCODE AE2M)  
 RL: 17.27m
  - CONTOUR INTERVAL  
 - MAJOR 1.00m  
 - MINOR 0.50m
  - FOR RESOURCE CONSENT PURPOSES ONLY.
  - AREAS AND MEASUREMENTS ARE SUBJECT TO SURVEY.

- LEGEND:**
- WW PRIMARY DISPOSAL AREA
  - WW RESERVE DISPOSAL AREA
  - BUILDING PLATFORM
  - EASEMENT
  - 12.0m SETBACK
  - OVERLAND FLOW PATH
  - GIS FLOOD PLAIN
  - 4.4m FLOOD LEVEL

CAD AND PRODUCTION BY:

Auckland | Whangarei | Christchurch | Wanaka  
 Ph 0800 SURVEY  
 www.landsandsurvey.co.nz

**DRAWING TITLE:**  
**PROPOSED SUBDIVISION OF LOT 1 DP 146882 SCHEME PLAN - SHEET 1/3**

**CLIENT NAME:**  
**STRATFORD PROPERTIES LIMITED**

**CLIENT DETAILS:**  
 276&278 CLEVEDON-KAWAKAWA ROAD  
 CLEVEDON

**RESOURCE CONSENT**

REV.	DESCRIPTION	BY	DATE
A	ORIGINAL ISSUE	RC	15/05/19
B	BDYS ADJUSTED AND NEW AREAS	RW	29/05/19
C	BDYS ADJUSTED AND NEW AREAS	RW	04/06/19
D	PRIMARY DISPOSAL AMENDED	RW	02/10/19
E	LOT 2 AREAS AMENDED	RW	09/10/19
SURVEYED		PG	19/12/18
DESIGNED			
DRAWN		RW	15/05/19
APPROVED		PL	15/05/19

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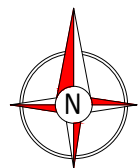
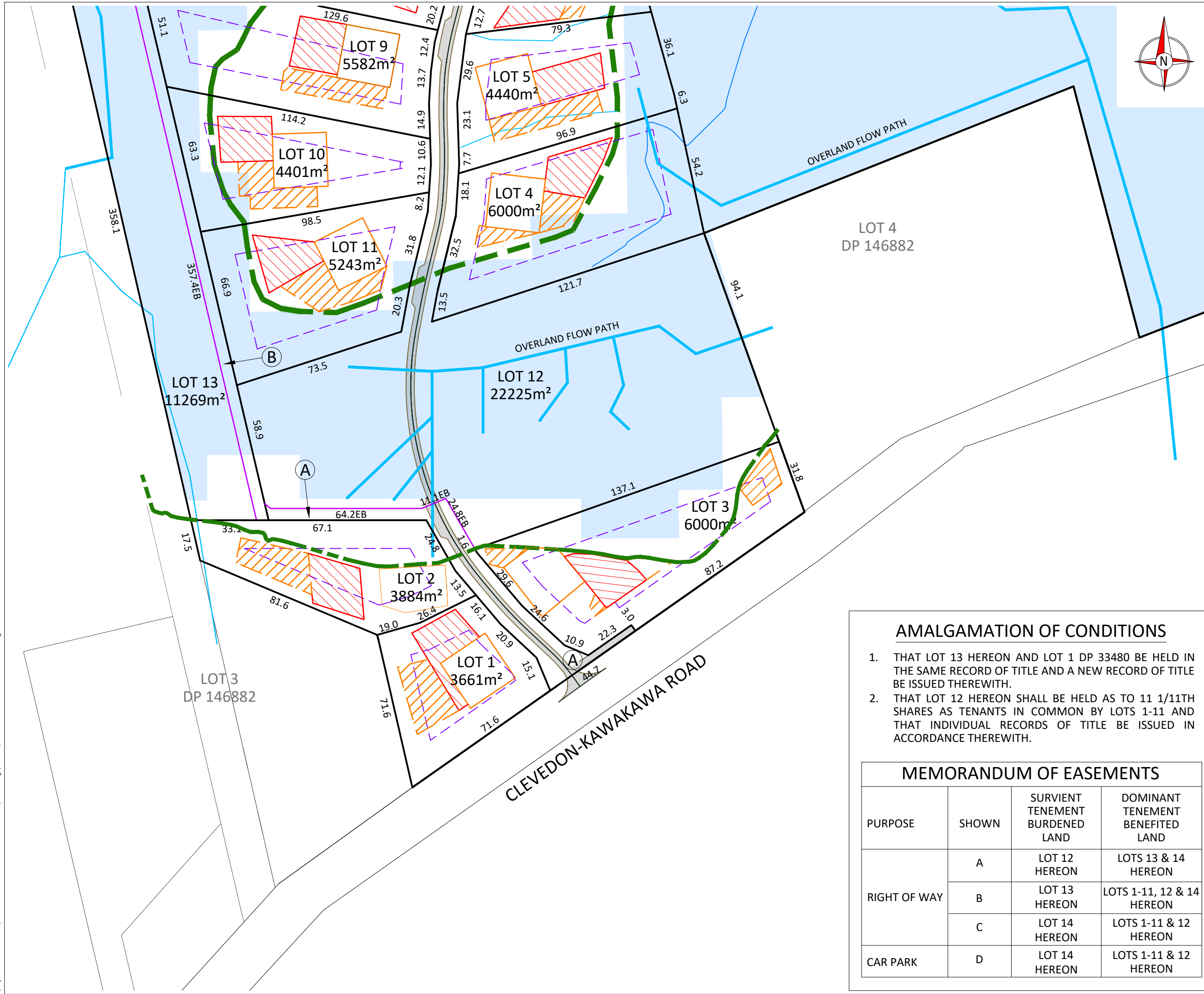
**DRAWING REFERENCE**  
 117536-150 REV E

**AMALGAMATION OF CONDITIONS**

- THAT LOT 13 HEREON AND LOT 1 DP 33480 BE HELD IN THE SAME RECORD OF TITLE AND A NEW RECORD OF TITLE BE ISSUED THEREWITH.
- THAT LOT 12 HEREON SHALL BE HELD AS TO 11 1/11TH SHARES AS TENANTS IN COMMON BY LOTS 1-11 AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH.

**MEMORANDUM OF EASEMENTS**

PURPOSE	SHOWN	SURVIENT TENEMENT BURDENED LAND	DOMINANT TENEMENT BENEFITED LAND
RIGHT OF WAY	A	LOT 12 HEREON	LOTS 13 & 14 HEREON
	B	LOT 13 HEREON	LOTS 1-11, 12 & 14 HEREON
	C	LOT 14 HEREON	LOTS 1-11 & 12 HEREON
CAR PARK	D	LOT 14 HEREON	LOTS 1-11 & 12 HEREON



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- NOTES:**
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 ORIGIN: CE43 AE2M  
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 - MAJOR 1.00m  
 - MINOR 0.50m
  - FOR RESOURCE CONSENT PURPOSES ONLY.
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- LEGEND:**
- WW PRIMARY DISPOSAL AREA
  - WW RESERVE DISPOSAL AREA
  - BUILDING PLATFORM
  - EASEMENT
  - 12.0m SETBACK
  - OVERLAND FLOW PATH
  - GIS FLOOD PLAIN
  - 4.4m FLOOD LEVEL

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**DRAWING TITLE:**  
 PROPOSED SUBDIVISION OF  
 LOT 1 DP 146882  
 SCHEME PLAN - SHEET 2/3

**CLIENT NAME:**  
 STRATFORD PROPERTIES  
 LIMITED

**CLIENT DETAILS:**  
 276&278 CLEVEDON-KAWAKAWA ROAD  
 CLEVEDON

**RESOURCE CONSENT**

REV.	DESCRIPTION	BY	DATE
A	ORIGINAL ISSUE	RC	15.05.19
B	BDYS ADJUSTED AND NEW AREAS	RW	29/05/19
C	BDRY AND AREAS AMENDED	RW	04/06/19
D	PRIMARY DISPOSAL AMENDED	RW	02/10/19
E	LOT 2 AREA AMENDED	RW	09/10/19
SURVEYED		PG	19/12/18
DESIGNED			
DRAWN		RW	15/05/19
APPROVED		TG	15/05/19

SCALE (A3) 1:1500  
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**DRAWING REFERENCE**  
 117536-151  
 REV E

- AMALGAMATION OF CONDITIONS**
- THAT LOT 13 HEREON AND LOT 1 DP 33480 BE HELD IN THE SAME RECORD OF TITLE AND A NEW RECORD OF TITLE BE ISSUED THEREWITH.
  - THAT LOT 12 HEREON SHALL BE HELD AS TO 11 1/11TH SHARES AS TENANTS IN COMMON BY LOTS 1-11 AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE THEREWITH.

**MEMORANDUM OF EASEMENTS**

PURPOSE	SHOWN	SURVIENT TENEMENT BURDENED LAND	DOMINANT TENEMENT BENEFITED LAND
RIGHT OF WAY	A	LOT 12 HEREON	LOTS 13 & 14 HEREON
	B	LOT 13 HEREON	LOTS 1-11, 12 & 14 HEREON
	C	LOT 14 HEREON	LOTS 1-11 & 12 HEREON
CAR PARK	D	LOT 14 HEREON	LOTS 1-11 & 12 HEREON



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**NOTES:**

- COORDINATES ARE IN TERMS OF MOUNT EDEN CIRCUIT, GEODETIC 2000.  
ORIGIN: CE43 AE2M  
mN 788335.92  
mE 425775.36
- LEVELS ARE IN TERMS OF AUCKLAND VERTICAL DATUM 1946.  
ORIGIN OF LEVELS:  
CE43 (GEOCODE AE2M)  
RL: 17.27m
- CONTOUR INTERVAL  
- MAJOR 1.00m  
- MINOR 0.50m
- FOR RESOURCE CONSENT PURPOSES ONLY.
- AREAS AND MEASUREMENTS ARE SUBJECT TO SURVEY.

**LEGEND:**

- WW PRIMARY DISPOSAL AREA
- WW RESERVE DISPOSAL AREA
- BUILDING PLATFORM
- EASEMENT
- 12.0m SETBACK
- OVERLAND FLOW PATH
- GIS FLOOD PLAIN
- 4.4m FLOOD LEVEL

**CAD AND PRODUCTION BY:**

**LANDS & SURVEY**  
SURVEYING | PLANNING | ENGINEERING  
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www.landsandsurvey.co.nz

**DRAWING TITLE:**

**PROPOSED SUBDIVISION OF  
LOT 1 DP 146882  
SCHEME PLAN - SHEET 3/3**

**CLIENT NAME:**

**STRATFORD PROPERTIES  
LIMITED**

**CLIENT DETAILS:**

**276&278 CLEVEDON-KAWAKAWA ROAD  
CLEVEDON**

**RESOURCE CONSENT**

REV.	DESCRIPTION	BY	DATE
A	ORIGINAL ISSUE	RC	15/05/19
B	BDYS ADJUSTED AND NEW AREAS	RW	29/05/19
C	BDRY AND AREAS ADJUSTED	RW	04/06/19
D	PRIMARY DISPOSAL AMENDED	RW	02/10/19
E	LOT 2 AREAS AMENDED	RW	09/10/19
SURVEYED		PG	19/12/18
DESIGNED			
DRAWN		RW	15/05/19
APPROVED		PL	15/05/19

SCALE (A3) 1:1500  
0 15 30 45 60 75m

DRAWING REFERENCE 117536-152 REV E

T:\Projects\117500 - 117599\117536 - 272 and 278 Clevedon-Kawakawa Rd\3.0 Drawings\3.1 CAD\117536-152-SCHEME PLAN - REV E.dwg

